



# California Regulatory Notice Register

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## PROPOSED ACTION ON REGULATIONS

### TITLE 4. CALIFORNIA HORSE RACING BOARD

*Coupling of Horses — Notice File No. Z2011-0227-07* ..... 287

### TITLE 4. CALIFORNIA HORSE RACING BOARD

*Financial Responsibility — Notice File No. Z2011-0226-06* ..... 291

### TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

*General Industry Safety Order 5155; PSO 6755, 6799.1 — Notice File No. Z2011-0222-10* ..... 294

### TITLE 13. DEPARTMENT OF MOTOR VEHICLES

*Schools for Traffic Violators: Fees — Notice File No. Z2011-0222-01* ..... 299

### TITLE 14. OFFICE OF SPILL PREVENTION AND RESPONSE

*Local Government Grant Program — Notice File No. Z2011-0218-01* ..... 301

### TITLE 23. DEPARTMENT OF WATER RESOURCES

*Process Water — Notice File No. Z2011-0222-11* ..... 303

## GENERAL PUBLIC INTEREST

### DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

*California Employer Identification Report — List of Prospective Contractors Ineligible to Enter Into State Contracts* ..... 307

### DEPARTMENT OF FISH AND GAME

*Monitoring and Research of Yuma Clapper Rail* ..... 308

### DEPARTMENT OF FISH AND GAME

*Monitoring and Research of Yuma Clapper Rail and California Black Rail* ..... 309

### DEPARTMENT OF FISH AND GAME

*Surveys for Limestone Salamander* ..... 309

(Continued on next page)

***Time-  
Dated  
Material***

**PROPOSITION 65**

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT  
*Notice of Intent to List Androstenedione, Dibromoacetonitrile, Hexachlorobutadiene and Malonaldehyde, Sodium Salt* ..... 310

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT  
*Notice of Intent to List Chemicals by the Labor Code Mechanism* ..... 313

**RULEMAKING PETITION DECISION**

DEPARTMENT OF SOCIAL SERVICES  
*Denial of Petition to Amend MPP Section 63–502(5)* ..... 315

**DISAPPROVAL DECISIONS**

DEPARTMENT OF FOOD AND AGRICULTURE ..... 316

DEPARTMENT OF MOTOR VEHICLES ..... 316

**SUMMARY OF REGULATORY ACTIONS**

Regulations filed with the Secretary of State ..... 317

Sections Filed, September 22, 2010 to February 23, 2011 ..... 320

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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## PROPOSED ACTION ON REGULATIONS

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### TITLE 4. CALIFORNIA HORSE RACING BOARD

CALIFORNIA HORSE RACING BOARD  
TITLE 4, CALIFORNIA CODE  
OF REGULATIONS  
NOTICE OF PROPOSAL TO AMEND  
1606. COUPLING OF HORSES  
RULE 1974. WAGERING INTEREST  
RULE 1954.1. PARLAY WAGERING ON  
WIN, PLACE OR SHOW  
RULE 1957. DAILY DOUBLE  
RULE 1959. SPECIAL QUINELLA (EXACTA)  
1976. UNLIMITED SWEEPSTAKES  
1976.8. PLACE PICK (N)  
1976.9. PICK (N) POOL  
1977. PICK THREE  
1978. SELECT FOUR  
1979. TRIFECTA  
1979.1. SUPERFECTA

The California Horse Racing Board (Board) proposes to amend the regulations described below after considering all comments, objections or recommendations regarding the proposed action.

#### PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1606, Coupling of Horses, to delete the requirement that two or more horses shall be coupled as a single wagering interest when the horses are owned in whole or in part by the same person or persons. The proposed amendment also deletes the exemptions to coupling contained in subsections 1606(b) and 1606(c), changes the title of the regulation, and provides that if two or more horses entered in the same race are owned in whole or in part by the same person or persons, or are trained by the same trainer, the racing association shall take all actions necessary to adequately inform the public. The proposed amendment to Rule 1606 affects Rule 1974, Wagering Interest; therefore, the Board proposes to amend Rule 1974. The proposed amendment of Rule 1974 removes references

to coupled entries from the definition of "wagering interest," and provides for the circumstances under which a horse may start in a race as a non-wagering interest and be disregarded for pari-mutuel purposes. The Board also proposes to amend pari-mutuel wagering rules to delete references to coupled entries, and to provide direction in cases where horses are designated to run as a non-wagering interest for purse only. The pari-mutuel regulations the Board proposes to amend are: Rule 1954.1, Parlay Wagering on Win, Place or Show; Rule 1957, Daily Double; Rule 1959, Special Quinella (Exacta); Rule 1976, Unlimited Sweepstakes; Rule 1976.8, Place Pick (n); Rule 1976.9, Pick (n) Pool; Rule 1977, Pick Three; Rule 1978, Select Four; Rule 1979, Trifecta, and Rule 1979.1, Superfecta.

#### PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, April 28, 2011**, or as soon after that as business before the Board will permit, at the **Hollywood Park Race Track, 1050 South Prairie Avenue, Inglewood, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

#### WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit to the Board written comments about the proposed regulatory action. The written comment period closes at **5:00 p.m. on April 18, 2011**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6397  
Fax: (916) 263-6022  
Email: [HaroldC@chrb.ca.gov](mailto:HaroldC@chrb.ca.gov)

#### AUTHORITY AND REFERENCE

Rule 1606: Authority Cited: sections 19420, 19440 and 19590, Business and Professions Code. Reference: section 19401, Business and Professions Code.

Business and Professions Code sections 19420, 19440 and 19590 authorize the Board to adopt the proposed regulation, which would implement, interpret or

make specific section 19401, Business and Professions Code.

Rule 1974: Authority Cited: sections 19420 and 19440, Business and Professions Code. Reference: section 19562, Business and Professions Code.

Business and Professions Code sections 19420 and 19440 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific section 19562, Business and Professions Code.

Rule 1954.1: Authority Cited: section 19590, Business and Professions Code. Reference: sections 19594 and 19597, Business and Professions Code.

Business and Professions Code section 19590 authorizes the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19594 and 19597, Business and Professions Code.

Rules 1957, 1959, 1976, 1977, 1978, 1979 & 1979.1: Authority Cited: sections 19440 and 19590, Business and Professions Code. Reference: section 19594, Business and Professions Code.

Business and Professions Code sections 19440 and 19590 authorize the Board to adopt the proposed regulations, which would implement, interpret or make specific section 19594, Business and Professions Code.

Rules 1976.8 & 1976.9: Authority Cited: sections 19440 and 19590, Business and Professions Code. Reference: sections 19593 and 19594, Business and Professions Code.

Business and Professions Code sections 19440 and 19590 authorize the Board to adopt the proposed regulations, which would implement, interpret or make specific section 19593 and 19594, Business and Professions Code.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19401 states the intent of this chapter is to allow pari-mutuel wagering on horse races while assuring protection of the public and providing uniformity of regulation for each type of horse racing. Business and Professions Code section 19420 provides that jurisdiction and supervision over meetings in California where horse races with wagering on their results are conducted, and over all persons or things having to do with the operation of such meetings, is vested in the Board. Business and Professions Code section 19440 states the Board shall have all powers necessary and proper to enable it to carry out the purposes of Chapter 4, Business and Professions Code. Responsibilities of the Board include adopting rules and regulations for the protection of the public and the control of horse racing with pari-mutuel wagering, and administration and enforcement of all laws, rules and reg-

ulations affecting horse racing and pari-mutuel wagering. Business and Professions Code section 19562 states the Board may prescribe rules, regulations and conditions, consistent with the provisions of Chapter 4, Business and Professions Code, under which all horse races with wagering on their results shall be conducted in California. Business and Professions Code section 19563 states the Board may adopt any rules and regulations of the United States Trotting Association, not inconsistent with Chapter 4, Business and Professions Code, for the regulation of harness racing. Business and Professions Code section 19590 provides that the Board shall adopt rules governing, permitting, and regulating pari-mutuel wagering on horse races under the system known as the pari-mutuel method of wagering. Pari-mutuel wagering shall be conducted only by a person licensed under Chapter 4 to conduct a horse racing meeting. Business and Professions Code section 19593 states no method of betting, pool making, or wagering other than by the pari-mutuel method shall be permitted or used by any person licensed under this chapter to conduct a horse racing meeting. Business and Professions Code section 19594 states any person within the inclosure where a horse racing meeting is authorized may wager on the result of a horse race held at that meeting by contributing his money to the pari-mutuel pool operated by the licensee under Chapter 4, Business and Professions Code. Business and Professions Code section 19597 provides that a person licensed under Chapter 4 to conduct a horse racing meeting shall, as to any payment made to a person who has wagered by contributing to a pari-mutuel pool operated by such licensee, also deduct the applicable breakage, as defined by section 19405.

Rule 1606 currently requires two or more horses to be coupled as a single wagering interest and as an entry when such horses are owned in whole or in part by the same person or persons. Subsections 1606(b) and 1606(c) provide exemptions to the coupling requirement for certain partnerships and for quarter horses. The Board has determined that it wishes to amend Rule 1606 to delete the coupling requirement. This renders subsections 1606(b) and 1606(c) unnecessary, as without a coupling requirement, exemptions for partnerships and quarter horses are not necessary. Because the coupling of horses will no longer occur, the Board believes it is necessary to fully inform the public when horses owned in whole or in part by the same person or persons are entered to race. The proposed amendment to Rule 1606 adds a new subsection 1606(a) to require the association to notify the public if horses owned in whole or in part by the same person or persons are entered in the same race, or if horses entered to race are trained by the same trainer. The addition of trainers to the notification requirement will further inform the

public about the horses entered to race, and it will help patrons make informed decisions when they wager.

Rule 1974 provides a definition of wagering interest, which may be any one horse entered in a race, or one or more horses coupled as a single wagering interest. However, the proposed amendment to Rule 1606 deletes the requirement that horses owned in whole or in part by the same person or persons be coupled. This necessitates a change in the definition of wagering interest. The proposed amendment to Rule 1974 modifies subsection 1974(a) so that a wagering interest is defined solely as any one horse in a race.

When a horse is declared or scratched from a race, information regarding the declaration or scratch must be entered into the totalizator system to inform the public. Occasionally, errors will happen, and false information will be entered in the totalizator system. This will cause the public to believe a horse other than the scratched or declared horse has been withdrawn. To protect the public, and owners and trainers whose horse has been removed from the wagering pool in error, a new subsection 1974(b) provides that if a horse is improperly removed from a wagering pool due to a totalizator error or another unjustified reason, and the owner and trainer are not at fault, the horse shall compete as a non-wagering interest for the purse only, and shall be disregarded for pari-mutuel purposes. The horse will be allowed to run for a purse, which could mean income for the owner, the trainer and the jockey. In accordance with the type of wager, patrons who hold tickets that selected such horses will receive the favorite as a substitute selection, have the opportunity to choose an alternative wagering interest, or they will receive a refund. A new subsection 1974(c) requires the racing association to inform the public if a horse runs as a non-wagering interest by making an announcement over the public address system and by informing off-track wagering outlets. This is intended to adequately inform the public regarding the status of the horse and to minimize confusion.

Board rules governing specific types of pari-mutuel wagers contain subsections that address horses coupled as an entry or the field in accordance with Rule 1606 and Rule 1974. In each case the rules provide that wagers selecting entries comprised of multiple horses will not be affected if a horse from such a wagering interest is declared or withdrawn from a race. This is because under the current Rule 1974 a wager on a coupled entry or the field is considered a wager on the remaining part of the entry if any part of the entry starts for pari-mutuel purposes. The proposed amendment to Rule 1606 and Rule 1974 would eliminate coupling of horses. In addition, the proposed amendment to Rule 1974 provides for horses to run as non wagering interests for purse only under specified circumstances. Therefore, the Board has determined it is necessary to amend a number of

rules governing pari-mutuel wagering. The Board proposes to amend Rule 1954.1, Parlay Wagering on Win, Place or Show, to provide that if a wagering interest is designated to run for purse only in accordance with Rule 1974, the parlay shall consist of the remaining legs. In addition, subsection 1954.1(h) has been deleted because the amendment to Rule 1606 and Rule 1974 eliminates coupling of horses. Rule 1957, Daily Double, subsection (h), has been amended to provide that if a horse is designated to run for purse only before the first race is run, any tickets selecting the entry will be deducted from the pool and refunded. In addition, subsection 1957(i) has been amended to provide that if a horse is designated to run for purse only after the first race is completed, all tickets selecting such horses shall be deducted from the pool, and if they combine the winner of the first race with the designated horse, they shall be paid as a straight pool. These changes are consistent with how the rule treats entries that are scratched, excused by the stewards or prevented from racing. Subsection 1957(j) has been deleted, as the amendment of Rule 1606 and Rule 1974 will eliminate coupling of horses. Rule 1959, Special Quinella (Exacta) has been amended to delete subsection 1959(d), as the subsection pertains to coupled entries, which will be eliminated under the amendment of Rule 1606 and Rule 1974. A new subsection 1959(d) has been amended to provide that if a horse entered in a Special Quinella race is designated to run as a non-wagering interest for purse only after the wagering has commenced, tickets selecting the horse shall be deducted from the pool and refunded. Subsection 1959(h) has been deleted, as under the amendment of Rule 1606 and Rule 1974, coupling of horses will not occur. Rule 1976, Unlimited Sweepstakes, subsection (g), has been amended to provide that the actual favorite will be substituted for any selection that is designated to run as a non-wagering interest for purse only in a race comprising the Unlimited Sweepstakes. In addition subsection 1976(e) has been deleted because the amendment to Rule 1606 and Rule 1974 eliminates the coupling of horses. Rule 1976.8, Place Pick (n), has been amended to delete subsection (d) and subsection 1976.8(e)(1), as the amendment to Rule 1974 and Rule 1606 eliminates coupling of horses. The new subsection 1976.8(d) provides that the racing association or the patron may substitute an alternate wagering interest if a ticket in any Place Pick (n) race selects a horse that is designated to run for purse only. Rule 1976.9, Pick (n) Pool, has been amended to delete subsection (c)(1) because the amendment to Rule 1606 and 1974 eliminates the coupling of horses. Subsection 1976.9(c)(2) has also been amended to delete references to coupled horses. Subsection 1976.9(d) has been amended to allow the racing association to substitute the favorite for a horse in a Place Pick (n) race that has



been designated to run as a non-wagering interest for purse only. Rule 1977, Pick Three, has been amended to delete subsection (c) because the amendment to Rule 1606 and Rule 1974 eliminates the coupling of horses. Subsection 1977(g) has been amended to provide that if a horse is designated to run for purse only from any leg of the Pick Three prior to the running of the first leg, tickets selecting such horse shall be refunded. In addition, subsections 1977(h), 1977(i) and 1977(j) have been modified to provide for consolation payouts if a wagering interest is designated to run for purse only in the second or the third leg of the wager, or in both the second and the third legs of the wager. Rule 1978, Select Four, has been amended to delete subsection (e) because the amendment to Rule 1606 and Rule 1974 eliminates the coupling of horses. Subsection 1978(l) has been amended to allow the racing association to substitute the actual favorite for any horse that is designated to run for purse only in any of the races comprising the Select Four wager. Rule 1979, Trifecta, has been amended to modify subsection (c) to delete references to coupled horses because the amendment to Rule 1606 and Rule 1974 eliminates coupling. Subsection 1979(g) has been amended to state the racing association may exchange any ticket that includes a horse designated to run for purse only if such designation takes place before wagering is closed. If a horse is designated to run for purse only after wagering on the Trifecta is closed, any ticket selecting the designated horse shall be eliminated from the pool and the purchase price refunded. Subsection (c) of Rule 1979.1, Superfecta, has been amended to delete references to coupled horses because the amendment to Rule 1606 and Rule 1974 eliminates the coupling of horses. An amended subsection 1979.1(g) provides that before wagering on the Superfecta closes the racing association may exchange any ticket selecting a horse that is designated to run for purse only. If wagering on the Superfecta has closed, tickets selecting a horse that is designated to run for purse only shall be eliminated from the pool and refunded. Additional changes to the regulations are for purposes of renumbering, consistency and clarity.

#### DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment of Rule 1606, and Rule 1974, and the amendment of Rules 1954.1; 1957; 1959; 1976; 1976.8; 1976.9; 1977; 1978; 1979 and 1979.1 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impacts on representative private persons or business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed amendment of Rule 1606, and Rule 1974, and of Rules 1954.1; 1957; 1959; 1976; 1976.8; 1976.9; 1977; 1978; 1979 and 1979.1 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposed amendment of Rule 1606, and Rule 1974, and of Rules 1954.1; 1957; 1959; 1976; 1976.8; 1976.9; 1977; 1978; 1979 and 1979.1 does not affect small businesses because horse racing associations in California are not classified as small businesses under Government Code Section 11342.610. Rule 1606, and Rule 1974 address coupling of horses and the definition of wagering interest. Rules 1954.1; 1957; 1959; 1976; 1976.8; 1976.9; 1977; 1978; 1979 and 1979.1 authorize specific types of pari-mutuel wagering in California.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative that is considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

#### CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed texts of the regulations, the initial statement of reasons, the modified texts of the regulations, if any, and other information upon which the rulemaking is based should be directed to:

Harold Coburn, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6397  
E-mail: [HaroldC@chrb.ca.gov](mailto:HaroldC@chrb.ca.gov)

If the person named above is not available, interested parties may contact:

Andrea Ogden  
Policy and Regulation Unit  
Telephone: (916) 263-6033

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed texts of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternate contact person at the address, phone number or e-mail address listed above.

#### AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed texts, the modified texts — with changes clearly marked — shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulations in their current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

#### BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulations, and the initial statement of reasons. The Board's Internet address is: [www.chrb.ca.gov](http://www.chrb.ca.gov).

### TITLE 4. CALIFORNIA HORSE RACING BOARD

#### CALIFORNIA HORSE RACING BOARD TITLE 4, CALIFORNIA CODE OF REGULATIONS

#### NOTICE OF PROPOSAL TO AMEND RULE 1876. FINANCIAL RESPONSIBILITY

The California Horse Racing Board (Board) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

#### PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1876, Financial Responsibility, to provide that financial responsibility complaints from equine medical hospitals and Board authorized horse auctions will be considered if the debts are directly related to the California horse racing operations of a person licensed by the Board. The proposed amendment will also provide that financial responsibility complaints from horse farms will be considered if the debts are related to the horse operations of a person licensed by the Board, and are for not less than one thousand dollars. In addition, the proposed amendment to Rule 1876 provides for the acceptance of financial responsibility complaints that are horse racing related wage disputes originating between persons licensed by the Board.

#### PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, April 28, 2011**, or as soon after that as business before the Board will permit, at the **Hollywood Park Race Track, 1050 South Prairie Avenue, Inglewood, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

## WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representatives, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on April 18, 2011**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone (916) 263-6397  
Fax: (916) 263-6022  
E-mail: [haroldc@chrb.ca.gov](mailto:haroldc@chrb.ca.gov)

## AUTHORITY AND REFERENCE

Authority cited: Sections 19440 and 19460, Business and Professions Code. Reference: Sections 19440, 19460 and 19461, Business and Professions Code.

Business and Professions Code sections 19440 and 19460 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19440, 19460 and 19461, Business and Professions Code.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19460 provides that all licenses granted under this chapter are subject to all rules, regulations, and conditions from time to time prescribed by the Board and shall contain such conditions as are deemed necessary or desirable by the Board for the purposes of this chapter. Business and Professions Code section 19461 states every license granted under this chapter is subject to suspension or revocation by the Board in any case where the Board has reason to believe that any condition regarding it has not been complied with, or that any law, or any rule or regulation of the board affecting it has been broken or violated.

The Board proposes to amend Rule 1876 to clarify the circumstances under which a financial responsibility complaint will be accepted. Board Rule 1876 provides

that no licensee shall willfully and deliberately fail or refuse to pay any moneys when due for any service, supplies or fees related to his or her operations as a licensee. The proposed amendment to Rule 1876 amends subsection 1876(a) to describe the type of debts that may result in a licensee gaining the attention of the Board. The debts must be directly related to the licensee's California racetrack operations. This is in keeping with the Board's jurisdiction over horse racing and persons who are required to obtain an occupational license to participate in horse racing. A new subsection 1876(e) provides that financial responsibility complaints submitted by equine medical hospitals and authorized horse auction sales authorized by the Board in accordance with Rule 1807, Authorized Horse Sales, will be considered. Subsection 1876(e) requires that financial responsibility complaints submitted by equine medical hospitals and thoroughbred horse auction sales must comply with subsections (b), (c) and (d)(1) through (d)(2) of Rule 1876. This will ensure that the entities provide the correct documentation, and that they will follow the timelines provided under Rule 1876. Subsection 1876(e) also states the financial responsibility complaints must be directly related to the licensee's California horse racing operations. This ensures the Board will only receive financial responsibility complaints regarding services provided to race horses.

A new subsection 1876(e)(1) provides that financial responsibility complaints submitted by horse farms will be considered if the complaints are for not less than one thousand dollars and are related to the horse operations of the licensee. The one thousand dollar limit is not a high level for the boarding and training of horses at farms, but it does put in place a minimum so the Board is not inundated with financial responsibility complaints from such facilities. In addition, under subsection 1876(e)(1), the financial complaint does not have to be "directly" related to a licensee's "horse racing" operation. Rather, the financial complaint must be "related to the horse operations" of a licensee. This allows for consideration of financial complaints for horses that are turned out, or horses standing at the farm for breeding purposes, such as brood mares, where the licensee intends to race the foal.

The Board determined it wished to add subsection 1876(e) and 876(e)(1) to ensure financial responsibility complaints submitted by such businesses will be accepted. In the past, there has been confusion as to whether the services provided by such enterprises were required to be heard. The addition of subsection 1876(e) and 1876(e)(1) provides clarity.

The Board understands that many persons licensed to work within the restricted areas of the inclosure, including grooms, stable employees, stable assistants and exercise riders may be reluctant to go outside of the horse



racine world to obtain relief for unpaid wages. Subsection 1876(f) has been added to make it clear that financial responsibility complaints that are horse racing related wage disputes between persons licensed by the Board will be heard. This will allow persons licensed by the Board who might otherwise refrain from using the civil courts to seek the help of the Board in obtaining unpaid wages.

#### DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment of Rule 1876 will not have a significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impact on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed amendment of Rule 1876 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to amend Rule 1876 does not affect small businesses because horse racing is not a small business under Government Code section 11342.610.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome on affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

#### CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Harold Coburn, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6397  
Fax: (916) 263-6022  
E-mail: [haroldc@chrb.ca.gov](mailto:haroldc@chrb.ca.gov)

If the person named above is not available, interested parties may contact:

Andrea Ogden, Regulation Analyst  
Telephone: (916) 263-6033

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternative contact person at the address, phone number or e-mail address listed above.

#### AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

## AVAILABILITY OF STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

## BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: [www.chrb.ca.gov](http://www.chrb.ca.gov).

## TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

### NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

**PUBLIC MEETING:** On **April 21, 2011**, at 10:00 a.m.  
in the Auditorium of the State Resources Building,  
1416 9th Street, Sacramento, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

**PUBLIC HEARING:** On **April 21, 2011**, following the Public Meeting,  
in the Auditorium of the State Resources Building,  
1416 9th Street, Sacramento, California.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupa-

tional safety and health standards in Title 8 of the California Code of Regulations.

**BUSINESS MEETING:** On **April 21, 2011**, following the Public Hearing,  
in the Auditorium of the State Resources Building,  
1416 9th Street, Sacramento, California.

At the Business Meeting, the Board will conduct its monthly business.

## DISABILITY ACCOMMODATION NOTICE

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

### NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, General Industry Safety Orders and the Petroleum Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **April 21, 2011**.

1. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**

Division 1, Chapter 4, Subchapter 7,  
Article 107  
Section 5155

**Airborne Contaminants**

2. **TITLE 8: PETROLEUM SAFETY ORDERS**

Division 1, Chapter 4, Subchapter 15  
Article 2, Section 6755  
Article 8, New Section 6799.1

**Chain or Wire Rope Access  
Equipment (Jacob's Ladder)**

Descriptions of the proposed changes are as follows:

1. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**

Division 1, Chapter 4, Subchapter 7,  
Article 107  
Section 5155

**Airborne Contaminants**

INFORMATIVE DIGEST OF PROPOSED  
ACTION/POLICY STATEMENT OVERVIEW

Section 5155, Airborne Contaminants, establishes minimum requirements for controlling employee exposure to specific airborne contaminants. This section specifies several types of airborne exposure limits, requirements for control of skin contact, workplace environmental monitoring through measurement or calculation, and medical surveillance requirements. California periodically amends the airborne contaminants table (Table AC-1) in this standard to keep it consistent with current information regarding harmful effects of exposure to these substances and other new substances not listed. The latest Airborne Contaminants standard was approved by OAL on February 3, 2010 and became effective August 3, 2010. Consistent with past practice, the roster of substances addressed in this rulemaking originated with changes to the Threshold Limit Values (TLVs) published by the American Conference of Governmental Industrial Hygienists (ACGIH). This rulemaking considered changes in ACGIH TLVs dating from after 2001.

The Division of Occupational Safety and Health (Division), in developing this and past proposals, has convened advisory committees to consider and make recommendations regarding the substances in the base list. The substances with amended Permissible Exposure Limits (PELs) in this proposal were first considered by the Division's Health Expert Advisory Committee (HEAC) in meetings between November 2007 and March 2009. The HEAC independently evaluated the health basis of the changes made to TLVs using the ACGIH documentation, presentations and additional doc-

umentation provided by interested parties, documents referred to in the ACGIH documentation, and other documents provided by the members of the Committee. As in the last round of work on PELs by the Division's advisory committee from 2001 to 2004, technical assistance was provided to the HEAC by staff of the Office of Environmental Health Hazard Assessment and the Hazard Evaluation System and Information Service (HESIS) of the California Department of Public Health. In addition, informal public comment was invited on the PELs recommended by the HEAC for potential feasibility and cost issues at a meeting of the Division's Feasibility Advisory Committee (FAC) on May 28, 2009. The meetings of both the HEAC and the FAC were open to the public.

The exposure limits of the following substances are proposed to be lowered:

carbon disulfide  
hydrogen fluoride  
sulfuric acid  
toluene

The effect of these amendments is to reduce the risk of material impairment of health or functional capacity of employees exposed to these four substances.

All proposed changes to Section 5155 are considered to be at least as effective as or more stringent than the federal OSHA requirements for these substances found in 29 CFR 1910.1000, Airborne Contaminants.

COST ESTIMATES OF PROPOSED ACTION

This rulemaking proposal contains proposed revisions of PELs for four substances. The primary users of those substances are the private industrial and chemical sectors. The exposure limits proposed are consistent with recommendations of the ACGIH or with scientific findings, of which the professional health and safety staffs and consultants of those entities should be aware. Many of those entities already seek to control employee exposures to these levels in the interest of business continuity and minimization of tort and workers compensation liability. Therefore, the additional expenditures by these entities to comply with the revised standard are estimated to be insignificant to none.

Informal comments on potential cost impacts were actively sought in the course of development of this proposal and a FAC public meeting was held specifically to receive such comments verbally and to provide an opportunity for commenter discussion. The only potentially cost-related comment received in this process was from Honeywell with regard to hydrogen fluoride. This comment suggested that a PEL consistent with the ACGIH TLV would reduce confusion and contribute to more uniform application of the standard. This comment was discussed at some length in the meeting of the

FAC which concluded that with respect to individual substances this was a matter of policy that the committee could not decide. The commenter did not suggest the specific costs that could be associated with the inconsistency that was their stated concern and it was concluded that the potential costs noted in their comment with respect to hydrogen fluoride are not significant.

#### **Costs or Savings to State Agencies**

No costs or savings to state agencies will result as a consequence of the proposed action.

#### **Impact on Housing Costs**

The Standards Board has made an initial determination that this proposal will not significantly affect housing costs.

#### **Impact on Businesses**

The Standards Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

This determination of no significant adverse economic impact directly affecting businesses was made using the advice provided by affected stakeholders during the Division's feasibility advisory committee held on May 28, 2009. See also the section under "Cost Estimates of Proposed Action."

#### **Cost Impact on Private Persons or Businesses**

The Standards Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### **Costs or Savings in Federal Funding to the State**

The proposal will not result in costs or savings in federal funding to the state.

#### **Costs or Savings to Local Agencies or School Districts Required to be Reimbursed**

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

#### **Other Nondiscretionary Costs or Savings Imposed on Local Agencies**

This proposal does not impose nondiscretionary costs or savings on local agencies.

### **DETERMINATION OF MANDATE**

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Govern-

ment Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, the standard does not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed standard does not require local agencies to carry out the governmental function of providing services to the public. Rather, the standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed standard does not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

The proposed standard does not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standards.

### **EFFECT ON SMALL BUSINESS**

The Standards Board has determined that the proposed amendments may affect small businesses. However, no adverse economic impact is anticipated.

### **ASSESSMENT**

The adoption of the proposed amendments to the standard will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

### **REASONABLE ALTERNATIVES CONSIDERED**

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.



2. **TITLE 8: PETROLEUM SAFETY ORDERS**  
 Division 1, Chapter 4, Subchapter 15  
 Article 2, Section 6755  
 Article 8, New Section 6799.1  
**Chain or Wire Rope Access  
 Equipment (Jacob's Ladder)**

INFORMATIVE DIGEST OF PROPOSED  
 ACTION/POLICY STATEMENT OVERVIEW

This rulemaking was initiated as a result of the Occupational Safety and Health Standards Board's (Board) action regarding OSHSB Petition File No. 512 submitted by Ms. Colleen Kraus, Process Safety Director of Valero Refining Company in Benicia, California. In a letter dated October 30, 2009, the Petitioner proposed addressing the use of chain and cable ladders, also known as Jacob's ladders, in the Petroleum Safety Orders. The Petitioner noted that there are no California standards, American National Standards Institute references or American Ladder Institute standards that govern the manufacturing and safe use of chain and cable ladders for the petrochemical industry. Federal regulations refer to the use of Jacob's ladders in the longshoring and construction regulations but not in the petrochemical industry.

The lack of standards could threaten worker safety if the ladder is not manufactured properly, is in disrepair or used incorrectly. The Petitioner submitted a proposed chain and cable ladder standard modeled after a Department of Defense Military Specification document dated May 21, 1957. The Division of Occupational Safety and Health (Division) petition evaluation recommended a change in terminology from "chain and cable ladders" to "chain or wire rope access equipment" to minimize confusion in terms of whether these devices are ladders. Further, the Division opined that rather than relying on a 1957 manual, the industry would be better served if this device is approved pursuant to Section 3206 of the General Industry Safety Orders (GISO) which allows for a variety of more conventional approval methods for industrial equipment. These and other comments were carefully considered by Board staff during the advisory committee proceedings held in accordance with the Board's petition decision.

**Section 6755. Definitions.**

Section 6755 provides definitions applicable to the equipment and operations in the petroleum safety orders pertaining to refining, transport and handling. An amendment is proposed to add a definition of "chain or wire rope access equipment" to refer to specialty devices specifically designed for constricted locations. The proposal also includes a definition of "competent person," a term used in new Section 6799.1. These pro-

posed amendments are consistent with the federal definitions in 29 CFR 1926.32(f), Safety and Health Regulations for Construction. The amendments have the effect of clarifying the meaning of standards in which the defined terms are used.

**New Section 6799.1. Use of Chain or Wire Rope Access Equipment.**

Proposed Section 6799.1 provides general requirements for the use, load testing, maintenance and inspection of chain or wire rope access equipment, ensuring safe use through administrative procedures (use plan) and employee training.

New subsection (a) addresses the scope and application of the proposed requirements and states explicitly that the use of chain or wire rope access equipment shall only be permitted when no other feasible method of access is available. This subsection will ensure that employers and employees understand when the proposed requirements apply and when chain or wire rope access equipment is permitted for use.

New subsection (b) requires that all chain and wire rope access equipment be approved in accordance with GISO Section 3206. This subsection will ensure that the equipment used by the employer is built and designed in accordance with good engineering practice and will not fail catastrophically when subjected to a load.

New subsections (c)(1) and (2) address inspection and load testing of chain and wire rope access equipment. These proposed requirements will ensure that all chain and wire rope access equipment is safe for its intended use and will not fail catastrophically, resulting in serious employee injury or fatality.

New subsection (d) requires that a written equipment use plan be made available to the Division, that the plan describes how and where the chain and wire rope access equipment is to be used and that the plan state why the use of chain and wire rope access equipment is the only feasible method for providing access. In addition, the plan must address installation details, inspection instructions, maintenance instructions and a requirement that the employer keep a maintenance log. The proposed requirements will ensure that employees will use the chain or wire rope access equipment in a safe manner and not subject them to excessive loads or stresses that could result in catastrophic failure which could result in serious employee injury or fatality.

New subsection (e) addresses the use of a rescue retrieval system by employees who climb chain and wire rope access equipment. This subsection also addresses the need for secure anchorage of the access equipment with the exception of moments when the equipment must be retrieved or installed. Subsection (e) also addresses safe climbing methods and precautions to ensure that employees do not slip off the equipment or

come in contact with energized conductors. These requirements will ensure employees are reasonably protected from falls and other hazards associated with the use of this equipment.

New subsection (f) addresses employee training and requires employers to assure that those employees who use chain and wire rope access equipment will be able to recognize hazards associated with this equipment and will know the proper use of rescue retrieval equipment. These requirements will ensure employees will have the knowledge to protect themselves when using chain or wire rope access equipment.

## COST ESTIMATES OF PROPOSED ACTION

### **Costs or Savings to State Agencies**

No costs or savings to state agencies will result as a consequence of the proposed action.

### **Impact on Housing Costs**

The Board has made an initial determination that this proposal will not significantly affect housing costs.

### **Impact on Businesses**

The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Impact on businesses is minimal as the petroleum industry has been using these devices for decades for routine maintenance and inspection operations. The proposal provides guidance in the manufacturing and safe use of chain or wire rope access equipment strictly for the petrochemical industry.

### **Cost Impact on Private Persons or Businesses**

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

### **Costs or Savings in Federal Funding to the State**

The proposal will not result in costs or savings in federal funding to the state.

### **Costs or Savings to Local Agencies or School Districts Required to be Reimbursed**

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

### **Other Nondiscretionary Costs or Savings Imposed on Local Agencies**

This proposal does not impose nondiscretionary costs or savings on local agencies.

## DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

The proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed regulations do not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

These proposed regulations do not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standard.

## EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated.

## ASSESSMENT

The adoption of the proposed amendments to this regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

## REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been

identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than April 15, 2011. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on April 21, 2011, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov). The Occupational Safety and Health Standards Board may thereafter adopt the above proposals substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based is open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Marley Hart, Executive Officer, or Mike Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is

prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

## TITLE 13. DEPARTMENT OF MOTOR VEHICLES

### NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to adopt Section 345.00 in Chapter 1, Division 1, Article 4.7 of Title 13, California Code of Regulations, relating to the Schools for Traffic Violators.

### PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.

### DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m., **APRIL 18, 2011**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

### AUTHORITY AND REFERENCE

The department proposes to adopt this regulation under the authority granted by Section 1651 of the Vehicle Code in order to implement, interpret, or make specific Sections 11202.5, 11206, 11208, 42005 and 42231 of the Vehicle Code and Section 17520 of the Family Code.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department of Motor Vehicles (department) proposes to adopt Section 345.00 in Article 4.7 of Title 13, California Code of Regulations, relating to Schools for Traffic Violators.

Vehicle Code section 11200 requires the department to license traffic violator schools (TVS). In addition,

Vehicle Code section 11219 authorizes the department to prescribe rules and regulations for TVS regarding the conduct of courses including curriculum, facilities and equipment.

Historically, the department has exercised oversight of TVS programs operating in classroom settings; however, no authority existed to oversee home study or on-line TVS programs. Assembly Bill (AB) 2499 (Chapter 599; Statutes of 2010) placed home study and online TVS programs under the authority of the department. AB 2499 allows the department to provide operator training requirements, curriculum requirements, prescribe application forms, as well as establish guidelines for those TVS programs not under department purview prior to the bill's passage.

This action will implement the fees related to licensure of TVS owners, operators and instructors, as well as fees for reviewing lesson plans for all TVS programs. Fees established in this action are authorized under Vehicle Code section 11208, as effective September 1, 2011, in an amount sufficient to defray the administrative costs of administering the program.

#### FISCAL IMPACT STATEMENT

- Cost or Savings to Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: This action implements fees for the issuance of various licenses to owners, instructors and operators of schools for traffic violators. The fees specified in the proposed language are in an amount to offset the cost of administering the traffic violator school program, as authorized by Vehicle Code section 11208, effective September 1, 2011.
- Effects on Housing Costs: None.

#### DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.
- The adoption of this regulation is not expected to create or eliminate jobs or businesses in the state of

California or reduce or expand businesses currently doing business in the state of California.

- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will not affect small businesses. This proposal only implements fees for licensure of specified traffic violator school employees.

#### PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

#### ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

#### CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Randi Calkins, Regulations Analyst  
Department of Motor Vehicles  
Legal Affairs Division  
P.O. Box 932382, MS C-244  
Sacramento, CA 94232-3820  
Telephone: (916) 657-6469  
Facsimile: (916) 657-1204  
E-mail: LRegulations@dmv.ca.gov

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Cathy Sowell, Chief of Staff  
Telephone: (916) 657-6469

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed action and has available all



the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed action using underline to indicate additions, and strikeouts to indicate deletions from the California Code of Regulations. The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Initial Statement of Reasons and Express Terms) may be accessed at [www.dmv.ca.gov/about/lad/regactions.htm](http://www.dmv.ca.gov/about/lad/regactions.htm).

#### AVAILABILITY OF MODIFIED TEXT

Following the written comment period and the hearing, if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full, modified text with changes clearly indicated would be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

### TITLE 14. OFFICE OF SPILL PREVENTION AND RESPONSE

#### NOTICE OF PROPOSED RULEMAKING

Notice is hereby given that the Office of Spill Prevention and Response (OSPR) within the Department of Fish and Game, proposes to amend Sections 852.60.1 through 852.62.3 in Subdivision 4 of Title 14 of the California Code of Regulations (CCR). These sections pertain to the Local Government Grant Program requirements.

#### PUBLIC HEARING

Pursuant to Government Code § 11346.8(a), **no public hearing has been scheduled** on the proposed action. However, a hearing will be held if OSPR receives a written request for a public hearing from any interested person, no later than 15 days prior to the close of the written comment period. If a hearing is requested, it will be held in Sacramento. **Copies of the written com-**

**ments submitted will be made available upon request.**

#### SUBMISSION OF WRITTEN COMMENTS

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to OSPR. All written comments must be received by OSPR at this office no later than **5:00 p.m. on April 19, 2011**, in order to be considered. Written comments may be submitted by mail, fax, or e-mail, as follows:

Department of Fish and Game  
Office of Spill Prevention and Response  
P.O. Box 944209  
Sacramento, California 94244-2090  
Attention: Joy D. Lavin-Jones  
Fax: (916) 324-5662  
E-mail: [jlavinj@ospr.dfg.ca.gov](mailto:jlavinj@ospr.dfg.ca.gov)

#### PERMANENT ADOPTION OF REGULATIONS

OSPR may thereafter adopt the proposal substantially as described in this Notice, or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposals — with changes clearly indicated — will be available for 15 days prior to its adoption from the person designated in this Notice as contact person. The text will be mailed to those persons who submit written testimony related to this proposal or who have requested notification of any changes to the proposal.

#### AUTHORITY AND REFERENCE

Government Code Section 8670.35 grants the Administrator of OSPR the authority to adopt regulations governing the adequacy of local oil spill contingency plans. Any local government with jurisdiction over or directly adjacent to marine water may apply for a grant to complete, update or revise an oil spill contingency plan. The proposed regulations implement, interpret or make specific Government Code Section 8670.35.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (Chapter 1248, Statutes of 1990) (Act), created a comprehensive state oil spill program for California's marine waters. Among its many provisions, it grants the Administrator of OSPR the authority

to adopt regulations governing the adequacy of local oil spill contingency plans. These local plans provide a framework for the involvement of regional and local agencies and help ensure the effective and efficient use of local resources as well as help provide a coordinated response and cleanup effort between local governments and state and federal officials.

Following the enactment of the above-cited legislation, and the establishment of the Office of Spill Prevention and Response (OSPR), regulations were adopted governing the adequacy and content of local oil spill contingency plans, as well as establishing a grant program to encourage local governments to complete, update or revise their oil spill contingency plans. These regulations were necessary to implement, interpret and make specific Government Code Section 8670.35.

This proposal would amend the current regulations as follows:

- Updates to the definitions section to remove obsolete terms and add definitions to provide clarification to the regulated community.
- Numerous amendments that clarify that all local governments adjacent to marine waters have completed their initial oil spill contingency plans; now only updates to those plans are needed.
- Updates and clarifications to the renewal process for obtaining a grant to update a local plan.
- Updates to the “Grant Amount”, to specify that grants are determined by the Administrator based on available funding.
- Updates to the Grant Agreement content, and clarifications to the processing for the Agreements.
- Removing obsolete sections governing initial application review and selection, and removing redundant grant processing information.
- Minor updates to the terms and conditions of the Agreement.
- Clarifications to the payment of the Grant Agreement funds.
- Significant updates to the minimum planning requirements for the local plans. These updates include removal of documentation and/or plans that are now provided by other entities; and additions of elements that are uniquely available to, and can be provided by, the local government.

#### SMALL BUSINESS IMPACT STATEMENT

OSPR has determined that the proposed regulations may affect small businesses.

#### COMPLIANCE WITH GOVERNMENT CODE SECTIONS 8574.10 AND 8670.55

In accordance with Government Code Section 8574.10, these regulations have been submitted to the Review Subcommittee of the State Interagency Oil Spill Committee for review and comment; and in accordance with Government Code Section 8670.55, these regulations have been submitted to the Oil Spill Technical Advisory Committee for review and comment.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: NONE.

Costs or savings to any state agency: NONE.

Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.

Other non-discretionary costs or savings imposed upon local agencies: NONE.

Costs or savings in federal funding to the state: NONE.

Cost impacts on representative private persons or businesses:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: NONE.

#### BUSINESS IMPACTS

OSPR has made an initial determination that the proposed amendments will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

#### ASSESSMENT OF JOB/BUSINESS CREATION OR ELIMINATION

OSPR has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in the State of California, and will not result in the elimination of existing businesses nor create or expand businesses in the State of California.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), OSPR must determine that no reasonable alternative that has been considered or that has otherwise been identified and brought to the attention of OSPR would be more effective in carrying out the pur-

pose for which this action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**AVAILABILITY OF DOCUMENTS  
AND OSPR CONTACT PERSON**

OSPR has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. Copies of the exact language of the proposed regulations, Initial Statement of Reasons, the rulemaking file, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from the:

Department of Fish and Game  
Office of Spill Prevention and Response  
P.O. Box 944209  
Sacramento, California 94244-2090

In addition, the Notice, the exact language of the proposed regulations, and the Initial Statement of Reasons may be found on the World Wide Web at the following address:

[http://www.dfg.ca.gov/ospr/Law/regs\\_under\\_review.asp](http://www.dfg.ca.gov/ospr/Law/regs_under_review.asp)

Questions regarding the proposed regulations, requests for documents, or any questions concerning the substance of this regulatory action may be directed to Joy Lavin-Jones ((916) 327-0910), or Cindy Murphy ((916) 324-6250).

**TITLE 23. DEPARTMENT OF WATER  
RESOURCES**

**TITLE 23. WATERS  
DIVISION 2. DEPARTMENT OF WATER  
RESOURCES**

**CHAPTER 5.1 WATER CONSERVATION  
ACT OF 2009**

**CALIFORNIA REGULATORY NOTICE  
REGISTER 2011, VOLUME NO. 9-Z**

**Article 1. Industrial Process Water Exclusion  
In the Calculation of Gross Water Use**

**NOTICE OF PROPOSED RULEMAKING**

**Certificate of Compliance Rulemaking  
Related to Emergency Rulemaking File  
#2010-1207-01E**

**NOTICE IS HEREBY GIVEN** that the Department of Water Resources (hereafter Department) proposes to

adopt the proposed regulation described below after considering comments, objections, and recommendations regarding the proposed action.

**PROPOSED REGULATORY ACTION**

This proposed regulation is a Certificate of Compliance rulemaking following the Emergency rulemaking file #2010-1207-01E.

The Department proposes to add Chapter 5.1, Article 1, Sections 596, 596.1, 596.2, 596.3, 596.4, and 596.5 to Title 23, Division 2 of the California Code of Regulations.

These proposed sections set forth criteria and methods for exclusion of industrial process water from the calculation of gross water use for purposes of urban water management planning. The regulation would apply to all urban retail water suppliers required to submit an Urban Water Management Plan, as set forth in the Water Code, Division 6, Part 2.6, Sections 10617 and 10620.

**OPPORTUNITY FOR PUBLIC COMMENT**

**WRITTEN COMMENT PERIOD**

The opportunity to submit written comment begins February 23, 2011 and closes April 18, 2011.

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action.

**Submit written comments to either:**

Kent Frame  
Department of Water Resources  
901 P Street, Suite 313A  
Sacramento, CA 95814  
[kframe@water.ca.gov](mailto:kframe@water.ca.gov)

Gwen Huff  
Department of Water Resources  
901 P Street, Suite 313A  
Sacramento, CA 95814  
[ghuff@water.ca.gov](mailto:ghuff@water.ca.gov)

**PUBLIC HEARINGS**

The Department will also hold two public hearings. These hearings will be held in accordance with the requirements set forth in Government Code section 11346.8.

**April 13, 2011  
9:00 a.m. to 12:00 p.m.**  
Hearing Room  
Bonderson Building  
901 P Street  
Sacramento, CA 95814

April 18, 2011  
 9:00 a.m. to 12:00 p.m.  
 Room US 1-102  
 Metropolitan Water District  
 700 North Alameda Street  
 Los Angeles, CA 90012

#### AVAILABILITY OF MATERIALS

The following materials are available for public review throughout the public comment period:

- Text of Proposed Regulation
- Notice of Proposed Rulemaking
- Initial Statement of Reasons
- Materials Relied Upon
- Form 400
- Form 399
- Final Statement of Reasons (when it is prepared)
- Final Text of Regulation

These materials may be viewed by either:

Visiting the Department's website <http://www.water.ca.gov/wateruseefficiency/sb7/committees/urban/u5/>

Or arranging an in-person review. Please contact Gwen Huff.

Gwen Huff  
 Department of Water Resources  
 901 P Street, Suite 313A  
 Sacramento, CA 95814  
[ghuff@water.ca.gov](mailto:ghuff@water.ca.gov)  
 (916) 651-9672

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Gwen Huff at the address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### MATERIALS RELIED UPON

1. 2010 Wastewater Permit Application  
 City of Modesto 2010  
[http://www.ci.modesto.ca.us/public/forms/envcomp/2006\\_ww\\_discharge.pdf](http://www.ci.modesto.ca.us/public/forms/envcomp/2006_ww_discharge.pdf)
2. California Green Building Standards Code — 2010  
 California Code of Regulations Title 24, Part 11  
[http://www.documents.dgs.ca.gov/bsc/CALGreen/2010\\_CA\\_Green\\_Bldg.pdf](http://www.documents.dgs.ca.gov/bsc/CALGreen/2010_CA_Green_Bldg.pdf)
3. Carbon Footprint of Commercial New Construction  
 California Business Property Association Oct 2008  
<http://www.cbpa.com/documents/CBPA%20AB%20320%20%20Title%2024%20Carbon%20Footprint%20Study.pdf>
4. Cooling Towers  
 Center for Disease Control Updated April 2009  
[http://www.cdc.gov/healthywater/other/industrial/cooling\\_towers.html](http://www.cdc.gov/healthywater/other/industrial/cooling_towers.html)
5. Discussion Paper — Methods and Criteria for Excluding Process Water  
 Department of Water Resources November 2010
6. Electronic Code of Federal Regulations 2010  
<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=f8d1ea4b5ac69f51df3805e726760>
7. Handbook of Water Use and Conservation  
 Amy Vickers 2001
8. Increasing Water Efficiency in California's Commercial, Industrial, and Institutional (CII) Sectors  
 NRDC May 2009  
<http://www.nrdc.org/water/cacii/files/cacii.pdf>
9. Industrial Wastewater Permit Application Form and Instructions  
 City of Los Angeles 1995  
<http://www.ci.la.ca.us/san/wastewater/pdfs/prmapp.pdf>
10. Industrial Water Use  
 USGS Modified March 2010  
<http://ga.water.usgs.gov/edu/wuin.html>
11. Median Income and Poverty Status, 2000 Census  
 US Department of Commerce, Bureau of Census  
[http://www.dof.ca.gov/html/fs\\_data/stat-abs/documents/D21.pdf](http://www.dof.ca.gov/html/fs_data/stat-abs/documents/D21.pdf)
12. Methodologies for Calculating Baseline and Compliance Urban Per Capita Water Use, Department of Water Resources October 2010  
<http://www.water.ca.gov/wateruseefficiency/sb7/docs/methodologies-urban-per-capita-water-use-10042010.pdf>



13. National Handbook of Recommended Methods for Water Data Acquisition 11.F. Industrial USGS 1997  
<http://pubs.usgs.gov/chapter11/chapter11F.html>
14. North American Industry Classification System 2007  
<http://www.census.gov/cgi-bin/sssd/naics/naicsrch?chart=2007>
15. Sacramento Regional County Sanitation District Pretreatment Program 2009 Annual Report  
<http://www.srcsd.com/pdf/iws-2009annrpt.pdf>
16. Solutions for Sustainable Water Savings General Electric 2007  
[http://www.gewater.com/pdf/Capabilities%20Brochures\\_Cust/Americas/English/Bulletin1040en.pdf](http://www.gewater.com/pdf/Capabilities%20Brochures_Cust/Americas/English/Bulletin1040en.pdf)
17. Waste Not, Want Not: The Potential for Urban Water Conservation in California The Pacific Institute 2003  
Industrial and Commercial Water Use, Appendix C  
[http://www.pacinst.org/reports/urban\\_usage/appendix\\_c.pdf](http://www.pacinst.org/reports/urban_usage/appendix_c.pdf)  
Details of Industrial Water Use and Potential Savings by Sector, Appendix F  
[http://www.pacinst.org/reports/urban\\_usage/appendix\\_f.pdf](http://www.pacinst.org/reports/urban_usage/appendix_f.pdf)
18. Wastewater Discharge Permit East Bay Municipal Utility District 2003  
[http://www.ebmud.com/sites/default/files/pdfs/industry\\_0.pdf](http://www.ebmud.com/sites/default/files/pdfs/industry_0.pdf)
19. Watersmart Guidebook — Process Water East Bay Municipal Utility District 2008  
<http://www.ebmud.com/for-customers/conservation-rebates-and-services/commercial/watersmart-guidebook>
20. Methodologies for Calculating Baseline and Compliance Urban Per Capita Water Use for Consistent Implementation of the Water Conservation Act of 2009
21. Method 4 for Determining Water Use Targets Department of Water Resources February 2011

#### AUTHORITY AND REFERENCE

The Department of Water Resources is proposing this action pursuant to the authority vested by the Water Code, Division 6, Part 2.6, Section 10608.20(i)(1) “The department shall adopt regulations for implementation of the provisions relating to process water in accordance with subdivision (l) of Section 10608.12, subdivi-

vision (e) of Section 10608.24, and subdivision (d) of Section 10608.26.”

The particular code sections that are being implemented, interpreted, or made specific are Water Code Sections 10608.20(i)(1), 10608.12(l), 10608.24(e), and 10608.26(d).

The Department proposes to add Chapter 5.1, Article 1, Sections 596, 596.1, 596.2, 596.3, 596.4, and 596.5 to Title 23, Division 2 of the California Code of Regulations.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

#### INCORPORATION BY REFERENCE

The documents, Methodologies for Calculating Baseline and Compliance Urban Per Capita Water Use, DWR, October 1, 2010, and Method 4 for Determining Water Use Targets, DWR, February 16, 2011, are hereby incorporated by reference.

It is the intent of DWR that during this rulemaking process, DWR will incorporate by reference a document that is being developed by DWR. The document will specify a method for calculating urban water use targets that identify per capita use targets that cumulatively result in a statewide 20% reduction. DWR will allow for public review of this document, by way of an additional 15-day public comment period at that time.

Section 10608.24(e) of the Water Code, below, demonstrates sufficient relationship between this regulation and the documents cited above, which are proposed for Incorporation by Reference. In order to develop water use targets, water suppliers must first calculate their baseline water use, which may or may not include process water, as per the criteria in this proposed regulation. Base Daily Per Capita Water Use is defined as average gross water use, expressed in GPCD, for a continuous, multiyear base period.

*10608.24(e) When developing the urban water use targets pursuant to Section 10608.20, an urban retail water supplier that has a substantial percentage of industrial water use in its service area may exclude process water from the calculation of gross water use to avoid a disproportionate burden on another customer sector. (Emphasis added)*

#### SUMMARY OF EXISTING LAWS AND REGULATIONS RELATED DIRECTLY TO THE PROPOSED ACTION

The Emergency Regulation on Industrial Process Water Exclusion in the Calculation of Gross Water Use, see file # 2010-1207-01E, has been in effect beginning

December 17, 2010. This proposed action is a Certificate of Compliance filing related to Emergency Regulation; file # 2010-1207-01E.

In November 2009, the Legislature enacted SBX 7-7 (Steinberg) and placed into the California Water Code a requirement that the state achieve a 20 percent reduction in urban per capita water use in California on or before December 31, 2020. *Section 10608.16(a) California Water Code.*

In order to achieve the 20 percent reduction required by SBX 7-7, the legislation required urban retail water suppliers to develop urban water use targets and an interim urban water use target in order to achieve a cumulative 20 percent reduction in statewide water use by December 31, 2020.

These water use targets are to be included in the Urban Water Management Plans due July 1, 2011. Urban Water Management Plans are regulated by the Urban Water Management Planning Act. *Water Code, Sections 10620(a) and 16021(a).*

Additional regulations restrict the Department, with some exceptions, from issuing grants or loans to water agencies that have not met their water use targets. *Water Code Sections 10608.24 and 10608.56.*

Calculation of these water use targets requires, among other things, that the water supplier calculate its gross water use. The Water Code, as a result of SBX 7-7, has the following stipulation about exclusion of process water from the gross water calculation:

When developing the urban water use target, an urban retail water supplier that has a substantial percentage of industrial water use in its service area, may exclude process water from the calculation of gross water use to avoid a disproportionate burden on another customer sector.

*10608.24(e) Water Code.*

The legislation further directed the Department to adopt regulations for implementation of the provisions relating to process water. *Section 10608.20(i)(1) of the Water Code.* This proposed regulation carries out this directive.

#### COMPARABLE FEDERAL REGULATION OR STATUTES

None.

#### OBJECTIVES OF THE REGULATION

The effect of this proposed regulation will be to provide criteria and methods to urban retail water suppliers for the exclusion of process water use from their gross water use calculations. These calculations are required

for completion of 2010 Urban Water Management Plans, due July 2011.

The Urban Water Management Plans are, in turn, the reporting and planning mechanism for urban water suppliers to meet the requirement that the state achieve a 20-percent reduction in urban per capita water use by 2020.

In order to achieve this 20-percent reduction, each urban retail water supplier shall develop urban water use targets and an interim urban water use target so that there will be a cumulative 20 percent reduction in statewide water use by December 31, 2020. These water use targets are to be included in the urban water management plans.

This regulation will ensure the legislative intent that process water may be excluded for those urban water suppliers for whom industrial water is a substantial percent of gross water use.

This part is intended to provide assistance to water agencies in carrying out their long-term resource planning responsibilities to ensure adequate water supplies to meet existing and future demands for water.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

##### DETERMINATION OF NO MANDATE

The proposed regulation does not impose a mandate on local agencies or school districts.

##### ESTIMATE OF COSTS OR SAVINGS

<u>Costs or Savings to Any State Agency:</u>	None
<u>Cost to Any Local Agency or School District:</u>	None
<u>Other Nondiscretionary Costs or Savings Imposed on Local Agencies:</u>	None
<u>Costs or Savings in Federal Funding to the State:</u>	None

#### DECLARATION OF NO ADVERSE ECONOMIC IMPACT

In accordance with section 10608.32 of the Water Code, all costs incurred pursuant to this part by a water utility regulated by the Public Utilities Commission may be recoverable in rates subject to review and approval by the Public Utilities Commission, and may be recorded in a memorandum account and reviewed for reasonableness by the Public Utilities Commission.

Section 10608.26(d)(1) of the Water Code states, "Any ordinance or resolution adopted by an urban retail

water supplier after the effective date of this section shall not require existing customers as of the effective date of this section, to undertake changes in product formulation, operations, or equipment that would reduce process water use, but may provide technical assistance and financial incentives to those customers to implement efficiency measures for process water. This section shall not limit an ordinance or resolution adopted pursuant to a declaration of drought emergency by an urban retail water supplier.”

Per Gov. Code sec. 11346.5(a)(8) This proposed action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

#### ASSESSMENT OF COST IMPACTS INCURRED BY PRIVATE SECTOR

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### ASSESSMENT OF EFFECT ON JOBS/BUSINESSES

NONE.

The proposed regulation for industrial process water exclusion in the calculation of gross water use will not:

- Eliminate jobs within California;
- Eliminate existing businesses within California;
- Affect the expansion of businesses currently doing business within California

#### REPORTS REQUIRED FROM BUSINESSES

The proposed regulation for industrial process water exclusion in the calculation of gross water use will not require any new reports. The proposed regulation will set forth new criteria and methods for existing reporting of Urban Water Management Plans.

#### SIGNIFICANT EFFECT ON HOUSING COST

None.

#### SMALL BUSINESS DETERMINATION

The proposed regulations may affect small businesses.

#### CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative it considered or that has otherwise been adopted and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

To make this determination the Department convened a workgroup prior to the submittal of the Proposed Emergency Regulation File #2010-1207-01E. The workgroup provided alternatives to the Department and advised the Department’s decision making.

The Department presented a series of draft proposals for this regulation to the workgroup. The draft proposals were based on data analysis and input from the workgroup. The fifth draft proposal became the text of the proposed regulation.

A detailed analysis of the consideration of alternatives is found in the document from Materials Relied Upon: Discussion Paper: Process, Criteria, and Methods for Process Water Exclusion DWR November 2010.

Interested persons may present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

#### CONTACT PERSON

Kent Frame  
Department of Water Resources  
901 P Street, Suite 313A  
Sacramento, CA 95814  
[kframe@water.ca.gov](mailto:kframe@water.ca.gov)  
(916) 651-7030

**Back up**  
Gwen Huff  
Department of Water Resources  
901 P Street, Suite 313A  
Sacramento, CA 95814  
[ghuff@water.ca.gov](mailto:ghuff@water.ca.gov)  
(916) 651-9672

#### GENERAL PUBLIC INTEREST

#### TITLE 2. DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a

Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or CEIR has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contractors in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.  
DBA ASI Telesystems, Inc.  
21150 Califa Street  
Woodland Hills, CA 91367

Bay Recycling  
800 77th Avenue  
Oakland, CA 94621

C & C Disposal Service  
P.O. Box 234  
Rocklin, CA 95677

Choi Engineering Corp.  
286 Greenhouse  
Marketplace, Suite 329  
San Leandro, CA 94579

Fries Landscaping  
25421 Clough  
Escalon, CA 95320

Marinda Moving, Inc.  
8010 Betty Lou Drive  
Sacramento, CA 95828

MI-LOR Corporation  
P.O. Box 60  
Leominster, MA 01453

Peoples Ridesharing  
323 Fremont Street  
San Francisco, CA 94105

San Diego Physicians & Surgeons Hospital  
446 26th Street  
San Diego, CA

Southern CA Chemicals  
8851 Dice Road  
Santa Fe Springs, CA 90670

Tanemura and Antle Co.  
1400 Schilling Place  
Salinas, CA 93912

Turtle Building Maintenance Co.  
8132 Darien Circle  
Sacramento, CA 95828

Univ Research Foundation  
8422 La Jolla Shore Dr.  
La Jolla, CA 92037  
Vandergoot Equipment Co.  
P.O. Box 925  
Middletown, CA 95461

## **DEPARTMENT OF FISH AND GAME**

Department of Fish and Game —  
Public Interest Notice

For Publication March 4, 2011  
**PROPOSED RESEARCH ON FULLY  
PROTECTED SPECIES**

**Monitoring and research of Yuma Clapper Rail**

The Department of Fish and Game (Department) received a proposal on February 15, 2011, from Michael Myers, AZTEC Engineering Group, Inc. (AZTEC), Phoenix, Arizona, requesting authorization to take Yuma clapper rail (*Rallus longirostris yumanensis*) (rail), which are Fully Protected birds, for research purposes consistent with the protection and recovery of the species. The applicant is required to have a Scientific Collecting Permit (SCP) to take a protected bird species. Permit conditions require that the holder of an SCP obtain special authorization from the Department for research on Fully Protected species.

AZTEC is planning to conduct presence/absence surveys throughout the range of the rail, using call playback methods in accordance with the *Yuma Clapper Rail Revised Survey Protocol for Project Clearance Surveys* (2000), or the most recent superseding protocol approved by the U.S. Fish and Wildlife Service. No adverse effects on individual rails or rail populations are expected.

Various government and private projects occurring within the range of the rail may potentially have a negative impact on rails and their habitat. Issuance of this permit may benefit the management and recovery of the rail, as this research would provide further knowledge on the distribution and size of rail populations in California. Survey data are essential to the development of avoidance, minimization, or mitigation measures used to protect the rail.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize the applicant, as the Principal Investigator, to carry out the proposed activities. As rails are also federally endangered species, the applicant is required to possess a valid federal threatened and endangered species recovery permit. The applicant has applied for this federal permit.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take



of Fully Protected bird species after 30 days' notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after April 4, 2011, for an initial and renewable term of two years. Contact: Esther Burkett, Wildlife Branch, Non-game Wildlife Program, 1812 Ninth Street, Sacramento, CA 95811; [eburkett@dfg.ca.gov](mailto:eburkett@dfg.ca.gov), 916-445-3764.

## DEPARTMENT OF FISH AND GAME

Department of Fish and Game —  
Public Interest Notice  
For Publication March 4, 2011  
PROPOSED RESEARCH ON FULLY  
PROTECTED SPECIES  
Monitoring and research of Yuma Clapper Rail, and  
California Black Rail

The Department of Fish and Game (Department) received a proposal on February 15, 2011, from Matthew Mulrooney and James McMorran with AECOM in San Diego, California, requesting authorization to take Yuma clapper rail (*Rallus longirostris yumanensis*) (clapper rail) and California black rail (*Laterallus jamaicensis coturniculus*) (black rail) (hereinafter referred to as rails), which are Fully Protected birds, for research purposes consistent with the protection and recovery of the species. The applicants are required to have a Scientific Collecting Permit (SCP) to take protected bird species. Permit conditions require that the holder of an SCP obtain special authorization from the Department for research on Fully Protected species.

Matthew Mulrooney and James McMorran plan to conduct presence/absence surveys throughout the range of each species, using call playback methods in accordance with a standard marsh bird survey protocol outlined in *Wildlife Research Report #2009-02 — Standardized North American Marsh Bird Monitoring Protocols* (Courtney Conway, Arizona Cooperative Fish and Wildlife Research Unit, 2009). No adverse effects on individual rails or rail populations are expected. Destruction and alteration of wetlands is the principal reason for the decline of these rail species. Effective management efforts and species recovery requires a thorough understanding of the distribution and habitat requirements of these species. Objectives listed in the federal draft Yuma Clapper Rail Recovery Plan (2009) may benefit from the issuance of this permit, as these surveys may help to determine the causes of clapper rail annual population fluctuations, evaluate the effects of

marsh management activities on clapper rail abundance and occupancy, and refine knowledge of habitat preferences for clapper rail in marshes. Similar information may be gleaned from presence/absence surveys for the black rail.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize the applicants to carry out the proposed activities. As clapper rails are also federally endangered species, the applicants are required to possess a valid federal threatened and endangered species recovery permit. The applicants have applied for this federal permit.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected bird species after 30 days' notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after April 4, 2011, for an initial and renewable term of two years. Contact: Esther Burkett, Wildlife Branch, Non-game Wildlife Program, 1812 Ninth Street, Sacramento, CA, 95811; [eburkett@dfg.ca.gov](mailto:eburkett@dfg.ca.gov), 916-445-3764.

## DEPARTMENT OF FISH AND GAME

Department of Fish and Game —  
Public Interest Notice  
For Publication March 4, 2011  
PROPOSED RESEARCH ON FULLY  
PROTECTED SPECIES  
Presence/Absence Surveys for Limestone Salamander

The Department of Fish and Game ("Department") received a proposal on February 14, 2011, from Mr. Norman R. Sisk, M.S., requesting authorization to conduct presence/absence surveys for the limestone salamander (*Hydromantes brunus*) (salamander), a Fully Protected amphibian. Mr. Sisk proposes to conduct presence/absence surveys within and outside the known range of the species.

The applicant is required to have a Scientific Collecting Permit (SCP) to search for a protected species of amphibian. Permit conditions require that the holder of an SCP obtain special authorization from the Department for research on Fully Protected species.

Mr. Sisk is planning to survey areas within the known range of the salamander (*i.e.*, the Merced River Canyon and the vicinity of Bagby) in Mariposa County, and at various locations that are outside the known range of the species. These surveys, which would be conducted on the surface and in caves and mines, would serve to fur-

ther characterize habitat suitability and determine whether the salamander occurs at the survey locations. Wherever the salamander is encountered, Mr. Sisk will record the geographic coordinates of the location, the number of individuals, the developmental stage, and sex of the individuals based on external physical characteristics. No marking or tissue sampling will be conducted. The survey technique would involve carefully searching under surface objects, such as rocks and logs, to locate salamanders, and handling for purposes of identification and photography. The techniques that Mr. Sisk is proposing are commonplace in field biology, and no adverse effects on individuals or populations are anticipated. Locality data for all detections of the species would be promptly reported to the landowner, the Central Regional Office of the Department, and the California Natural Diversity Data Base. Data obtained from this study may increase our understanding of the range of habitats utilized by the salamander, the distribution of the species within its known range, and possibly range extensions of the species. If new populations of the salamander are identified, the localities in which these populations occur may be targeted for protection and/or habitat enhancement activities, and will therefore aid in recovery efforts. If Mr. Sisk obtains sufficient data, a report will be prepared and submitted to a peer-reviewed scientific journal for publication.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) or other special permit that would authorize the applicant to carry out the proposed activities.

Pursuant to California Fish and Game Code (FGC) Section 5050(a)(1), the Department may authorize take of Fully Protected amphibians after 30 days' notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 5050 for take of Fully Protected amphibians, it would issue the authorization on or after April 4, 2011, for an initial and renewable term of two years. Contact: Wildlife Branch, Nongame Wildlife Program, 1812 Ninth Street, Sacramento, CA 95811, Attn.: Betsy Bolster.

## PROPOSITION 65

### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

### CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

### SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)

### NOTICE OF INTENT TO LIST: ANDROSTENEDIONE, DIBROMOACETONITRILE, HEXACHLOROBUTADIENE, AND MALONALDEHYDE, SODIUM SALT

**March 4, 2011**

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) intends to list the chemicals *androstenedione*, *dibromoacetonitrile*, *hexachlorobutadiene*, and *malonaldehyde*, *sodium salt* as known to the State to cause cancer under the Safe Drinking Water and Toxic Enforcement Act of 1986.<sup>1</sup> This action is being proposed under the authoritative bodies listing mechanism.<sup>2</sup>

<sup>1</sup> Commonly known as Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986 is codified in Health and Safety Code section 25249.5 *et seq.*

<sup>2</sup> See Health and Safety Code section 25249.8(b) and Title 27, Cal. Code of Regs., section 25306.

<b>Chemical (CAS No.)</b>	<b>Endpoint</b>	<b>Reference</b>	<b>Occurrence</b>
<i>Androstenedione</i> (63–05–8)	Cancer	NTP (2010a)	Precursor to male and female sex hormones produced by the human body; dietary supplement currently designated as a controlled substance under federal law <sup>a</sup>
<i>Dibromoacetonitrile</i> (3252–43–5)	Cancer	NTP (2010b)	By-product of drinking water disinfection by ozone or chlorination disinfection processes in the presence of natural organic matter and bromine
<i>Hexachlorobutadiene</i> (87–68–3)	Cancer	U.S. EPA (2003)	Waste by-product from hydrocarbon chlorination processes; chemical intermediate in the manufacture of rubber, chlorofluorocarbons, lubricants, and transformer and hydraulic fluids
<i>Malonaldehyde, sodium salt</i> (24382–04–5)	Cancer	NTP (1988)	The sodium salt of malonaldehyde is unlikely to occur in nature, and has no industrial use. Malonaldehyde is a natural metabolic byproduct of prostaglandin biosynthesis and an end product of polyunsaturated lipid peroxidation.

<sup>a</sup> Title 21 U.S. Code, Sec. 802(41)(A).

OEHHA requested information relevant to the possible listing of *androstenedione*, *dibromoacetonitrile*, *hexachlorobutadiene*, and *malonaldehyde, sodium salt* in a notice published in the *California Regulatory Notice Register* on November 26, 2010 (Register 2010, Vol. No. 48–Z). OEHHA received no public comments.

**Background on listing via the authoritative bodies mechanism:** A chemical must be listed under the Proposition 65 regulations when two conditions are met:

- 1) An authoritative body formally identifies the chemical as causing cancer (Section 25306(d)<sup>3</sup>).
- 2) The evidence considered by the authoritative body meets the sufficiency criteria contained in the regulations (Section 25306(e)).

However, the chemical is not listed if scientifically valid data which were not considered by the authoritative body clearly establish that the sufficiency of evidence criteria were not met (Section 25306(f)).

The National Toxicology Program (NTP) and the U.S. Environmental Protection Agency (U.S. EPA) are two of several institutions designated as authoritative for the identification of chemicals as causing cancer (Section 25306(m)).

OEHHA is the lead agency for Proposition 65 implementation. After an authoritative body has made a determination about a chemical, OEHHA evaluates whether listing under Proposition 65 is required using the criteria contained in the regulations.

**OEHHA's determination:** *Androstenedione*, *dibromoacetonitrile*, *hexachlorobutadiene*, and *malonalde-*

*hyde, sodium salt* each meet the criteria for listing as known to the State to cause cancer under Proposition 65, based on findings of the NTP and the U.S. EPA.

**Formal identification and sufficiency of evidence for androstenedione:** In 2010, the NTP published a report on androstenedione, entitled *Toxicology and Carcinogenesis Studies of Androstenedione* (CAS No. 63–05–8) in F344/N Rats and B6C3F1 Mice (Gavage Studies), that concludes that the chemical causes cancer (NTP, 2010a). This report satisfies the formal identification and sufficiency of evidence criteria in the Proposition 65 regulations.

OEHHA is relying on the NTP's discussion of data and conclusions in the report that androstenedione causes cancer. The NTP (2010a) report concludes:

“Under the conditions of these 2-year gavage studies, there was *equivocal evidence of carcinogenic activity* of androstenedione in male F344/N rats based on increased incidences of alveolar/bronchiolar adenoma and alveolar/bronchiolar adenoma or carcinoma (combined). There was *equivocal evidence of carcinogenic activity* of androstenedione in female F344/N rats based on increased incidences of mononuclear cell leukemia. There was *clear evidence of carcinogenic activity* of androstenedione in male B6C3F1 mice based on increased incidences of multiple hepatocellular adenoma and hepatocellular carcinoma and increased incidence of hepatoblastoma. There was *clear evidence of carcinogenic activity* of androstenedione in female B6C3F1 mice based on increased incidences of hepatocellular adenoma

<sup>3</sup> All referenced sections are from Title 27 of the Cal. Code of Regulations.

and hepatocellular carcinoma. Increased incidences of pancreatic islet adenoma in male and female mice were also considered chemical related.” (Emphasis in original)

Thus, the NTP (2010a) has found that androstenedione causes increased incidences of malignant and combined malignant and benign liver tumors in male and female mice.

**Formal identification and sufficiency of evidence for dibromoacetonitrile:** In 2010, the NTP published a report on dibromoacetonitrile, entitled *Toxicology and Carcinogenesis Studies of Dibromoacetonitrile (CAS No. 3252-43-5) in F344/N Rats and B6C3F1 Mice (Drinking Water Studies)*, that concludes that the chemical causes cancer (NTP, 2010b). This report satisfies the formal identification and sufficiency of evidence criteria in the Proposition 65 regulations.

OEHHA is relying on the NTP’s discussion of data and conclusions in the report that dibromoacetonitrile causes cancer. The NTP (2010b) report concludes:

“Under the conditions of these 2-year drinking water studies there was *clear evidence of carcinogenic activity* of dibromoacetonitrile in male rats based on increased incidences of squamous cell papillomas or carcinomas of the oral cavity; adenomas in the glandular stomach of male rats were also considered to be exposure-related. There was *some evidence of carcinogenic activity* of dibromoacetonitrile in female rats based on an increased incidence of squamous cell papillomas of the oral cavity; increased incidences of basal cell or squamous cell neoplasms of the skin in female rats may have been related to dibromoacetonitrile exposure. There was *clear evidence of carcinogenic activity* of dibromoacetonitrile in male mice based on increased incidences of squamous cell papillomas or carcinomas of the forestomach. Increased incidences of neoplasms in the liver of male mice may have been related to dibromoacetonitrile exposure. There was *clear evidence of carcinogenic activity* of dibromoacetonitrile in female mice based on increased incidences of squamous cell papilloma of the forestomach.” (Emphasis in original)

Thus, the NTP (2010b) has found that dibromoacetonitrile causes increased incidences of combined malignant and benign tumors of the oral cavity in male rats and combined malignant and benign forestomach tumors in male mice.

**Formal identification and sufficiency of evidence for hexachlorobutadiene:** In 2003, the U.S. EPA published a report on hexachlorobutadiene, entitled *Health Effects Support Document for Hexachlorobutadiene*,

that concludes that the chemical causes cancer (U.S. EPA, 2003). This report satisfies the formal identification and sufficiency of evidence criteria in the Proposition 65 regulations.

OEHHA is relying on the U.S. EPA’s discussion of data and conclusions in the report that hexachlorobutadiene causes cancer. The U.S. EPA (2003) report concludes that hexachlorobutadiene is “likely to be carcinogenic to humans by the oral route of exposure.” In its report, the U.S. EPA describes studies of rats treated with hexachlorobutadiene in their diet for two years showing increases in the incidence of malignant tumors (e.g., adenocarcinomas) of the renal tubule in male and female rats and incidences of combined malignant and benign tumors of the renal tubules in both male and female rats.

Thus, the U.S. EPA (2003) has found that hexachlorobutadiene causes increased incidences of malignant and combined malignant and benign kidney tumors in male and female rats.

**Formal identification and sufficiency of evidence for malonaldehyde, sodium salt:** In 1988, the NTP published a report on malonaldehyde, sodium salt, entitled *Toxicology and Carcinogenesis Studies of Malonaldehyde, Sodium Salt (3-Hydroxy-2-propenal, Sodium Salt) (CAS No. 24382-04-5) in F344/N Rats and B6C3F1 Mice (Gavage Studies)*, that concludes that the chemical causes cancer (NTP, 1988). This report satisfies the formal identification and sufficiency of evidence criteria in the Proposition 65 regulations.

OEHHA is relying on the NTP’s discussion of data and conclusions in the report that malonaldehyde, sodium salt causes cancer. The NTP (1988) report concludes:

“Under the conditions of these 2-year gavage studies, there was *clear evidence of carcinogenic activity* for male and female F344/N rats administered malonaldehyde, sodium salt, as shown by the increased incidences of follicular cell adenomas or carcinomas (combined) of the thyroid gland. Pancreatic islet cell adenomas were also observed at an increased incidence in low dose male rats. There was *no evidence of carcinogenic activity* for B6C3F<sub>1</sub> mice administered 60 or 120 mg/kg malonaldehyde, sodium salt, in distilled water by gavage 5 days per week for 2 years.” (Emphasis in original)

Thus, NTP (1988) has found that malonaldehyde, sodium salt causes increased incidences of combined malignant and benign tumors of the thyroid gland in male and female rats.

**Request for comments:** OEHHA is committed to public participation in its implementation of Proposition 65. OEHHA wants to ensure that its regulatory de-



cisions are based on a thorough consideration of all relevant information. OEHHA is requesting comments as to whether these chemicals meet the criteria set forth in the Proposition 65 regulations for authoritative bodies listings. In order to be considered, **OEHHA must receive comments by 5:00 p.m. on Monday, April 4, 2011.** We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to [coshita@oehha.ca.gov](mailto:coshita@oehha.ca.gov).

Comments submitted in paper form may be mailed, faxed, or delivered in person to the addresses below:

Mailing Address: Ms. Cynthia Oshita  
Office of Environmental Health  
Hazard Assessment  
P.O. Box 4010, MS-19B  
Sacramento, California  
95812-4010

Fax: (916) 323-8803

Street Address: 1001 I Street  
Sacramento, California 95814

If you have any questions, please contact Ms. Oshita at [coshita@oehha.ca.gov](mailto:coshita@oehha.ca.gov) or at (916) 445-6900.

#### References

National Toxicology Program (NTP, 1988). *Toxicology and Carcinogenesis Studies of Malonaldehyde, Sodium Salt (3-Hydroxy-2-propenal, Sodium Salt) (CAS No. 24382-04-5) in F344/N Rats and B6C3F1 Mice (Gavage Studies)*. NTP Technical Report Series No. 331. NIH Publication No. 89-2587, U.S. Department of Health and Human Services, NTP Research Triangle Park, NC.

National Toxicology Program (NTP, 2010a). *Toxicology and Carcinogenesis Studies of Androstenedione (CAS No. 63-05-8) in F344/N Rats and B6C3F1 Mice (Gavage Studies)*. NTP Technical Report Series No. 560. NIH Publication No. 10-5901. U.S. Department of Health and Human Services, NTP, Research Triangle Park, NC.

National Toxicology Program (NTP, 2010b). *Toxicology and Carcinogenesis Studies of Dibromoacetonitrile (CAS No. 3252-43-5) in F344/N Rats and B6C3F1 Mice (Drinking Water Studies)*. NTP Technical Report Series No. 544. NIH Publication No. 10-5886. U.S. Department of Health and Human Services, NTP, Research Triangle Park, NC.

U.S. Environmental Protection Agency (U.S. EPA, 2003). *Health Effects Support Document for Hexachlorobutadiene*. Health and Ecological Criteria Division, Office of Water. EPA 822-R-03-002, February 2003.

## OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

CALIFORNIA ENVIRONMENTAL  
PROTECTION AGENCY  
OFFICE OF ENVIRONMENTAL HEALTH  
HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC  
ENFORCEMENT ACT OF 1986  
(PROPOSITION 65)

### NOTICE OF INTENT TO LIST CHEMICALS BY THE LABOR CODE MECHANISM

MARCH 4, 2011

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) intends to list the chemicals identified in the table below as known to the State to cause cancer under the Safe Drinking Water and Toxic Enforcement Act of 1986. The Act, commonly known as Proposition 65, is codified in Health and Safety Code section 25249.5 *et seq.* This action is being taken pursuant to the Labor Code mechanism contained in Health and Safety Code section 25249.8(a).

Chemical	CAS No.	Endpoint	Reference
Cyclopenta[cd]-pyrene	27208-37-3	Cancer	IARC (2010a; 2010b)
Ethanol in alcoholic beverages	—	Cancer	IARC (2010a; 2010c)
Leather dust	—	Cancer	IARC (2010a)
Salted fish, Chinese-style	—	Cancer	IARC (2010a)

**Background on listing by the Labor Code mechanism:** Health and Safety Code section 25249.8(a) incorporates California Labor Code Sections 6382(b)(1) and 6382(d) into Proposition 65. The law requires that certain substances identified by the International Agency for Research on Cancer (IARC) or the National Toxicology Program (NTP) be listed as known to cause cancer under Proposition 65. Labor Code section 6382(b)(1) refers to substances identified as human or animal carcinogens by IARC. Labor Code section 6382(d) refers to substances identified as carcinogens or potential carcinogens by IARC or NTP.

As the lead agency for the implementation of Proposition 65, OEHHA evaluates whether listing under Proposition 65 is required.

**OEHHA's determination:** *Cyclopenta[cd]pyrene, ethanol in alcoholic beverages, leather dust, and Chinese-style salted fish* each meet the requirements for listing as known to the state to cause cancer for purposes of Proposition 65.

**Cyclopenta[cd]pyrene:** In 2010, IARC published Volume 92 of its series, *IARC Monographs on the Evaluation of Carcinogenic Risks to Humans* (IARC, 2010b). IARC concluded that (1) there is sufficient evidence in experimental animals for the carcinogenicity of cyclopenta[cd]pyrene and (2) cyclopenta[cd]pyrene is "probably carcinogenic to humans" (Group 2A). Therefore, this substance meets the requirements of both Labor Code sections 6382(b)(1) and (d).

**Ethanol in alcoholic beverages:** In 2010, IARC published Volume 96 of its series, *IARC Monographs on the Evaluation of Carcinogenic Risks to Humans* (IARC, 2010c). IARC concludes that ethanol in alcoholic beverages is classified in Group 1 (the agent is carcinogenic to humans). Therefore, this substance meets the requirements of both Labor Code sections 6382(b)(1) and (d).

**Leather dust:** IARC has published on its website a list entitled *Agents Classified by the IARC Monographs, Volumes 1–100* (IARC, 2010a). IARC concludes that leather dust is classified in Group 1 (the agent is carcinogenic to humans). Therefore, this substance meets the requirements of both Labor Code sections 6382(b)(1) and (d).

**Salted fish, Chinese-style:** IARC has published on its website a list entitled *Agents Classified by the IARC Monographs, Volumes 1–100* (IARC, 2010a). IARC concludes that Chinese-style salted fish is classified in Group 1 (the agent is carcinogenic to humans). Therefore, this substance meets the requirements of both Labor Code sections 6382(b)(1) and (d).

**Opportunity for comment:** OEHHA is committed to public participation in its implementation of Proposition 65. OEHHA is providing this opportunity to comment as to whether the chemicals identified above meet the requirements for listing as causing cancer specified in Health and Safety Code section 25249.8(a). Because these are ministerial listings, comments should be limited to the question whether IARC has identified the specific chemical or substance as a known or potential

human or animal carcinogen. Under this listing mechanism, OEHHA cannot consider scientific arguments concerning the weight or quality of the evidence considered by IARC when identifying a specific chemical or substance and will not respond to such comments if they are submitted.

**OEHHA must receive comments by 5:00 p.m. on Monday, April 4, 2011.** We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to [coshita@oehha.ca.gov](mailto:coshita@oehha.ca.gov). Comments submitted in paper form may be mailed, faxed, or delivered in person to the address below. A public workshop will be held only upon request. Such request must be made in writing to the address below within 10 days from the publication of this notice:

**Mailing Address:** Ms. Cynthia Oshita  
Office of Environmental Health  
Hazard Assessment  
P.O. Box 4010, MS-19B  
Sacramento, California  
95812-4010

**Fax:** (916) 323-8803

**Street Address:** 1001 I Street  
Sacramento, California 95814

If you have any questions, please contact Ms. Oshita at (916) 445-6900.

#### References

International Agency for Research on Cancer (IARC, 2010a). *Agents Classified by the IARC Monographs, Volumes 1–100*. World Health Organization. Lyon, France. Accessed October 26, 2010 at URL: <http://monographs.iarc.fr/ENG/Classification/ClassificationsAlphaOrder.pdf>.

International Agency for Research on Cancer (IARC, 2010b). *IARC Monographs on the Evaluation of Carcinogenic Risks to Humans*. Some Non-heterocyclic Polycyclic Aromatic Hydrocarbons and Some Related Exposures. Vol. 92. World Health Organization. Lyon, France.

International Agency for Research on Cancer (IARC, 2010c). *IARC Monographs on the Evaluation of Carcinogenic Risks to Humans*. Alcohol Consumption and Ethyl Carbamate, Vol. 96. World Health Organization. Lyon, France.

## RULEMAKING PETITION DECISION

### DEPARTMENT OF SOCIAL SERVICES

February 15, 2011

Ms. La Dana S. Johnson  
P.O. Box 14557  
Torrance, CA 90503-8557

Dear Ms. Johnson:

The California Department of Social Services (CDSS) received both of your petitions dated January 12 and January 13, 2011, requesting that it amend Manual of Policies and Procedures (MPP) "Section 63-502(5)." CDSS received your petitions on January 14, 2011. Interested persons may obtain a copy of your petitions from CDSS pursuant to Government Code section 11340.7 by contacting the Office of Regulations Development at (916) 657-2586.

You requested that CDSS amend MPP "Section 63-502(5)" to revise its punctuation. Section 63-502(5) does not exist in the Manual of Policies and Procedures, but, based on the regulation language and context you provided, we believe you intended to request an amendment of MPP Section 63-507(a)(5). You have requested that the comma that ends the opening clause of the regulation be changed to a semi-colon. You assert that a semi-colon would clarify that the subsequent clause — "except benefits under a state program funded under Part A of Title IV of the Social Security Act, for the purpose of energy assistance" — is not included as a resource or income exclusion.

MPP Section 63-507(a)(5) provides that payments or allowances made under federal law for the purpose of energy assistance are excludable as resources and/or income for the CalFresh Program. The exception to the rule are payments made under a state program funded under Part A of Title IV of the Social Security Act (known as TANF). MPP Section 63-507(a) is based on federal law at 7 C.F.R. §§ 273.8(e)(14) and 273.9(c)(11). In fact, the language in MPP Section 63-507(a)(5) is nearly identical to 7 C.F.R. § 273.9(c)(11) which states,

(i) Any payments or allowances made for the purpose of providing energy assistance under any Federal law other than part A of Title IV of the Social Security Act (42 U.S.C. 601 et seq.), including utility reimbursements made by the Department of Housing and Urban Development and the Rural Housing Service, or

(ii) A one-time payment or allowance applied for on an as-needed basis and made under a Federal or State law for the costs of weatherization or emergency repair or replacement of an unsafe or inoperative furnace or other heating or cooling device. A down-payment followed by a final payment upon completion of the work will be considered a one-time payment for purposes of this provision.

Under 7 C.F.R. 273.9(c)(11), a comma punctuates the exception of TANF-funded state programs before clarifying that the excluded payments are for the purpose of energy assistance. The punctuation in MPP Section 63-507(a)(5) serves the same purpose. For that reason, MPP Section 63-507(a)(5) accurately reflects its underlying federal authority and does not require amendment.

Any interested person may request a reconsideration of any part or all of a decision of any agency on any petition submitted. The request shall be submitted in accordance with Government Code Section 11340.6 and include the reason or reasons why an agency should reconsider its previous decision no later than 60 days after the date of the decision involved.

All inquiries regarding this decision should be forwarded to Zaid Dominguez, Staff Services Manager I, Office of Regulations Development, 744 P Street, MS 8-4-192, Sacramento, CA 95814 or (916) 657-2586.

Sincerely,

/s/

ALIMANSFIELD

Senior Assistant Chief Counsel

cc: John Wagner, Director  
Greta Wallace, Acting Chief Counsel  
Charr Lee Metsker, Deputy Director, Welfare to Work Division  
Zaid Dominguez, Manager, Officer of Regulations Development

## DISAPPROVAL DECISIONS

### DECISIONS OF DISAPPROVAL OF REGULATORY ACTIONS

Printed below are the summaries of Office of Administrative Law disapproval decisions. The full text of disapproval decisions are available at [www.oal.ca.gov](http://www.oal.ca.gov) under the "Publications" tab. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339, (916) 323-6225 — FAX (916) 323-6826. Please request by OAL file number.

**DEPARTMENT OF FOOD AND  
AGRICULTURE**

**STATE OF CALIFORNIA  
OFFICE OF ADMINISTRATIVE LAW**

In re:

DEPARTMENT OF FOOD  
AND AGRICULTURE

**REGULATORY ACTION:**

Title 3, California Code of Regulations

ADOPT SECTION 1392.4.1 AMEND SECTIONS  
1392, 1392.1, 1392.2, 1392.4, 1392.6, 1392.8.1,  
1392.9, AND 1392.11

**DECISION OF DISAPPROVAL OF REGULATORY  
ACTION**

(Gov. Code, sec. 11349.3)

OAL File No. 2011-0106-02S

**SUMMARY OF REGULATORY ACTION**

The Department of Food and Agriculture (Department) proposed to adopt section 1392.4.1 and amend sections 1392, 1392.1, 1392.2, 1392.4, 1392.6, 1392.8.1, 1392.9, and 1392.11 of title 3 of the California Code of Regulations to implement the provisions of Assembly Bill 2168 (ch. 447, Stats. of 2008) and provide enforcement mechanisms for the Certified Farmers' Market Program. On January 6, 2011, the Department submitted the proposed regulatory action to the Office of Administrative Law (OAL) for review in accordance with the Administrative Procedure Act (APA). On February 18, 2011, OAL disapproved the proposed regulatory action. This Decision of Disapproval of Regulatory Action explains the reasons for OAL's action.

**DECISION**

OAL disapproved the above-referenced regulatory action for failure to comply with the clarity and necessity standards of Government Code section 11349 and for a defective initial statement of reasons.

Date: February 16, 2011

/s/

CRAIG S. TARPENNING  
Senior Staff Counsel

for: /s/

DEBRA M. CORNEZ  
Assistant Chief Counsel/Acting Director

Original: Karen Ross

cc: Steve Patton

**DEPARTMENT OF MOTOR VEHICLES**

**State of California  
Office of Administrative Law**

**In re:**

**Department of Motor Vehicles**

**Regulatory Action:**

**Title 13, California Code of Regulations**

**Adopt sections: 29.01**

**DECISION OF DISAPPROVAL  
OF REGULATORY ACTION**

**Government Code Section 11349.3**

**OAL File No. 2011-0104-01S**

This rulemaking action proposes to adopt one section itemizing the Vehicle Code sections the violation of which by a commercial driver the Department of Motor Vehicles (DMV) has determined meets the definition of a "serious traffic [violation]" under Title 49, Code of Federal Regulations, Section 383.51(c). In addition, this action proposes to adopt the disqualification penalties listed in that CFR subsection for a second or third serious traffic violation during a three-year period. Lastly, the action proposes to make similar violations submitted by another state or Canada serious traffic violations in California.

On February 16, 2011, OAL disapproved the proposed regulatory action. This Decision of Disapproval of Regulatory Action explains the reasons for OAL's action.

**DECISION**

OAL disapproved the above-referenced regulatory action for the following reasons: failure to comply with the "Necessity", "Clarity", and "Consistency" standards of Government Code section 11349; failure to comply with the requirements for incorporation by reference.



Date: February 23, 2011

/s/  
Gordon R. Young  
Senior Staff Counsel

For: /s/  
DEBRAM. CORNEZ  
Assistant Chief Counsel/Acting Director

Original: George Valverde  
Cc: John Urakawa

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2011-0204-08  
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS  
Board Name Change, Statute Compliance, and Grammatical Correction

The Board for Professional Engineers, Land Surveyors, and Geologists (Board) is amending sections 400, 401, 404, 463.5, 3000, 3003, 3021, and 3065, title 16, California Code of Regulations, in order to provide the name change for the Board from "Board for Professional Engineers and Land Surveyors" to "Board for Professional Engineers, Land Surveyors, and Geologists" (Ch. 696, Stats. 2010).

Title 16  
California Code of Regulations  
AMEND: 400, 401, 404, 463.5, 3000, 3003, 3021, 3065  
Filed 02/23/2011  
Agency Contact: Larry Kereszt (916) 263-2240

File# 2011-0214-03  
CALIFORNIA EMERGENCY MANAGEMENT AGENCY  
Emergency Regulations — Private Non-Profit Organization Reimbursement

The California Emergency Management Agency filed this emergency action to adopt regulations for reimbursing extraordinary costs incurred by eligible private non-profit organizations and eligible intermediary private non-profit organizations that provide essential community services during state-declared disasters, as specified in Government Code section 8692 and the proposed regulations.

Title 19  
California Code of Regulations  
ADOPT: 2991, 2992, 2993, 2994, 2995, 2996, 2997, 2998, 2999, 2999.1, 2999.2, 2999.3, 2999.4, 2999.5  
AMEND: 2900  
Filed 02/18/2011  
Effective 02/18/2011  
Agency Contact:  
Catherine Bernstein (916) 322-1742

File# 2011-0119-01  
CALIFORNIA SCHOOL FINANCE AUTHORITY  
Charter School Facilities Program

This rulemaking is a timely certificate of compliance action to make permanent the emergency rulemaking that amended several sections within Title 4 to conform to SB 592, Statutes of 2009 by no longer requiring the school district to hold title to the project facilities.

Title 4  
California Code of Regulations  
AMEND: 10152, 10153, 10154, 10155, 10156, 10157, 10158, 10159, 10160, 10161, 10162, 10164  
Filed 02/16/2011  
Agency Contact:  
Katrina Johantgen (213) 620-2305

File# 2011-0216-01  
CALIFORNIA STATE UNIVERSITY  
Care, Restitution, Sale or Destruction of Property

California State University is amending the procedures for the handling of unclaimed, lost or abandoned property to include sale at public auction for property that is valued over \$300. Such property will be held at the campus for a period of at least three months and notice of proposed sale at public auction will be published in a newspaper of general circulation at least five days prior to the sale. The amendments also provide that the campus may dispose of any property upon which no bid is made at the sale.

Title 5  
California Code of Regulations  
AMEND: 42375  
Filed 02/22/2011  
Effective 02/22/2011  
Agency Contact: Jason T. Taylor (562) 951-4500

File# 2011-0216-02

**CALIFORNIA STATE UNIVERSITY****Claims against the California State University**

California State University is adopting procedures for the handling of claims against the university pursuant to the Government Claims Act. The procedures include the necessary information to include on a claim form, the office to which to submit the claim, the imposition of a \$25 administrative fee and the calculation of what date will be considered relevant for determining the commencement of the claim.

## Title 5

California Code of Regulations

ADOPT: 42398

Filed 02/22/2011

Effective 02/22/2011

Agency Contact: Jason T. Taylor (562) 951-4500

File# 2011-0105-02

**DEPARTMENT OF DEVELOPMENTAL SERVICES****Early Start Procedural Safeguards**

This action updates the Department's procedures available for resolution of a complaint against the DDS, CDE, a regional center, a local education agency or any private service provider receiving funds under the Individuals with Disabilities Education Act of 2004, Part C in connection with services provided for infants and toddlers with disabilities in order to bring the complaint procedure into conformity with federal law as interpreted by the United States Department of Education, Office of Special Education and Rehabilitative Services.

## Title 17

California Code of Regulations

AMEND: 52170, 52172, 52173

Filed 02/17/2011

Effective 03/19/2011

Agency Contact:

Michael Miguelgorry (916) 653-4017

File# 2011-0112-03

**DEPARTMENT OF FOOD AND AGRICULTURE****European Grapevine Moth Interior Quarantine**

The Department of Food & Agriculture submitted this timely certificate of compliance action to make permanent the emergency expansion of the quarantine area for the European Grapevine Moth (EGVM), *Lobesia botrana*, in OAL file numbers 2010-0506-06E, 2010-0520-02E, 2010-0624-01E, 2010-0713-01E, 2010-0805-01E, 2010-0816-01E, 2010-0923-05E, 2010-1007-02EE, and 2010-1101-01EE. These emergency actions extended existing EGVM quarantines in Napa, Solano, and Sonoma counties, created new quar-

antines in Fresno, Lake, Merced, Mendocino, San Joaquin, and Santa Clara counties, and expanded the size of the buffer zones established around each EGVM detection site from three miles to five miles.

## Title 3

California Code of Regulations

AMEND: 3437

Filed 02/17/2011

Agency Contact:

Susan McCarthy (916) 654-1017

File# 2011-0106-04

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT****Mobilehome/Special Occupancy Parks**

This rulemaking action implements Senate Bill 23, Chapter 551 of 2009, to require development and circulation of emergency preparedness plans for mobilehome and special occupancy parks. The rulemaking also changes references to the California Building Code to the recently effective California Residential Code. It amends requirements for closing a park and clarifies requirements for: lot electrical service, LPG tank anchoring, soil ratings, skirting in floodplains, occupation of truck campers, cabana tiedowns, and handrail and ramp installations. The rulemaking also amends administrative hearing procedures for park owners who have been cited for violations and ordered to fix or abate nuisances and also for park owners to initiate Department of Housing and Community Development investigations of actions by local enforcement agencies.

## Title 25

California Code of Regulations

ADOPT: 1013, 1052, 1119, 1757, 1759, 2013, 2052, 2119, 2757, 2759 AMEND: 1002, 1008, 1018, 1104, 1118, 1180, 1211, 1333, 1334, 1334.2, 1336.1, 1346, 1377, 1426, 1429, 1432, 1446, 1450, 1458, 1464, 1468, 1474, 1498, 1500, 1502, 1504, 1506, 1612, 1618, 1750, 1752, 1754, 1756, 1758, 2002, 2008, 2018, 2104, 2118, 2211, 2230, 2334, 2346, 2426, 2429, 2432, 2468, 2474, 2498, 2500, 2502, 2504, 2506, 2612, 2750, 2752, 2754, 2756, 2758 REPEAL: 1613, 1615, 1616, 2613, 2615, 2616

Filed 02/18/2011

Effective 02/18/2011

Agency Contact: Ruth Ibarra (916) 327-2796

File# 2011-0112-02

**DIVISION OF JUVENILE JUSTICE****Contraband and Searches**

This rulemaking action provides that money confiscated from a youth in a detention setting will no longer be credited to his trust account unless it is found by the youth and goes unclaimed. Under the amended regula-

tion, confiscated money is processed under Division of Juvenile Justice, Contraband, General Institutional Management, CN 301, December 22, 2008. The rule-making also adds a requirement that a youth be issued a Youth Property Receipt, Form DJJ 4.744, for any monies found in the youth's possession.

Title 15  
California Code of Regulations  
AMEND: 4710, 4711, 4712, 4713, 4714  
Filed 02/18/2011  
Effective 03/20/2011  
Agency Contact: Phyllis Green (916) 262-3178

File# 2011-0105-03  
ENVIRONMENTAL PROTECTION AGENCY  
Permit Reform Act Appeals — Repeal

This Section 100 action repeals one regulation establishing the language regarding Permit Reform Act (PRA) requirements to be included on all applications for permits subject to the PRA issued by the Air Resources Board or the Water Resources Control Board. It also repeals five regulations establishing the Environmental Affairs Agency's PRA appeal process for permits not issued within the PRA timelines.

Title 14  
California Code of Regulations  
REPEAL: 19020, 19021, 19022, 19023, 19024, 19025  
Filed 02/17/2011  
Agency Contact: Steve Koyasako (916) 327-5719

File# 2011-0204-01  
FAIR POLITICAL PRACTICES COMMISSION  
Reports and Statements; Filing Dates

The Fair Political Practices Commission is amending section 18116, title 2, California Code of Regulations, entitled "Reports and Statements; Filing Dates."

Title 2  
California Code of Regulations  
AMEND: 18116  
Filed 02/17/2011  
Effective 03/19/2011  
Agency Contact:  
Virginia Latteri-Lopez (916) 324-3854

File# 2011-0204-02  
FAIR POLITICAL PRACTICES COMMISSION  
Definition of Lobbyist

The Fair Political Practices Commission amended section 18239, title 2, California Code of Regulations, entitled "Definition of Lobbyist."

Title 2  
California Code of Regulations  
AMEND: 18239  
Filed 02/17/2011  
Effective 03/19/2011  
Agency Contact:  
Virginia Latteri-Lopez (916) 324-3854

File# 2011-0204-03  
FAIR POLITICAL PRACTICES COMMISSION  
Slate Mailer Requirements and Recordkeeping

The Fair Political Practices Commission is adopting sections 18401.1 and 18435.5, title 2, California Code of Regulations, entitled "Required Recordkeeping for Slate Mailer Organizations" and "Slate Mailer Requirements".

Title 2  
California Code of Regulations  
ADOPT: 18401.1, 18435.5  
Filed 02/17/2011  
Effective 03/19/2011  
Agency Contact:  
Virginia Latteri-Lopez (916) 324-3854

File# 2011-0216-03  
FAIR POLITICAL PRACTICES COMMISSION  
Financial Disclosure by Employees of Newly Created Agencies

This emergency regulatory action deals with financial disclosure by employees of newly created agencies. Pursuant to California Code of Regulations, title 2, section 18312(e)(1)(B), this emergency regulatory action is effective February 10, 2011.

OAL's review of FPPC proposed regulations is limited to the provisions of the APA as it was enacted on June 4, 1974, when voters adopted the California Political Reform Act. (Fair Political Practices Commission v. Office of Administrative Law, Linda Stockdale Brewer (April 27, 1992, C010924 [nonpub. opn.]).) As such, OAL's review is limited to determining if the proposed regulations comply with "the form and style prescribed by the Secretary of State. If the department approves the regulation or order of repeal for filing, it shall endorse on the certified copy thereof its approval for filing and shall transmit such copy to the Secretary of State." (Former Gov. Code, section 11380.2, repealed by Stats. 1979, ch. 467, § 2.)

Title 2  
California Code of Regulations  
AMEND: 18734, 18751  
Filed 02/23/2011  
Effective 02/10/2011  
Agency Contact:  
Virginia Latteri-Lopez (916) 324-3854

File# 2011-0121-03  
NEW MOTOR VEHICLE BOARD  
Code of Civil Procedure References

This action adds “manufacturer” to the list of relevant parties who may initiate or have initiated against them, a request for mediation of a dispute by the New Motor Vehicle Board. It also adds non-substantive changes to the authority and reference citations.

Title 13  
California Code of Regulations  
AMEND: 551.14, 555.1, 584  
Filed 02/22/2011  
Effective 03/24/2011  
Agency Contact: Robin P. Parker (916) 323-1536

File# 2011-0118-01  
NEW MOTOR VEHICLE BOARD  
Format of Pleadings

The New Motor Vehicle Board adopted proposed amendments to sections 594, 595, and 597 and the repeal of section 593 of Title 13 of the California Code of Regulations. These amendments eliminate obsolete requirements, formalize various practices for filing pleadings and other papers, and allow the Board to accept for filing electronic documents and papers bearing copies of signatures.

Title 13  
California Code of Regulations  
AMEND: 594, 595, 597 REPEAL: 593  
Filed 02/16/2011  
Effective 03/18/2011  
Agency Contact: Robin P. Parker (916) 323-1536

File# 2011-0104-04  
OFFICE OF ENVIRONMENTAL HEALTH  
HAZARD ASSESSMENT  
Chemicals Known to the State to Cause Cancer or Reproductive Toxicity

This File and Print action updates the listing of “Chemicals Known to the State to Cause Cancer or Reproductive Toxicity” contained in T27 CCR section 27001. This update adds eighteen chemicals as of a 12/31/10 operative date. The listing of chemicals is exempt from the APA per Health and Safety Code section 25249.8(e).

Title 27  
California Code of Regulations  
AMEND: 27001  
Filed 02/16/2011  
Effective 12/31/2010  
Agency Contact: Cynthia Oshita (916) 322-2068

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN September 22, 2010 TO  
February 23, 2011**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 2**

02/23/11 AMEND: 18734, 18751  
02/17/11 AMEND: 18116  
02/17/11 AMEND: 18239  
02/17/11 ADOPT: 18401.1, 18435.5  
02/15/11 AMEND: 599.500, 599.501  
01/28/11 ADOPT: 559  
01/26/11 ADOPT: Headings for Subchapter 1.3, Article 1, Article 2, Article 3, Article 4  
AMEND: Heading for Subchapter 1.3 — Article 25  
01/25/11 AMEND: 1859.2, 1859.71.6, 1859.77.4, 1859.81.1, 1859.104  
01/13/11 AMEND: 1859.2, 1859.302, 1866, Form SAB 50-02, 50-03, 50-04, 50-06, 50-07, 50-08, 50-09, 50-10, 61-04, 40-20, 40-21, 40-24  
01/12/11 ADOPT: 172.9, 172.10 AMEND: 172.6, 172.7, 172.8, 172.10 (renumbered to 172.11), 172.11 (renumbered to 172.12)  
REPEAL: 172.9  
01/12/11 AMEND: 59.3 Appendix A  
01/06/11 ADOPT: 649.17.1, 649.19, 649.20  
AMEND: 647.4, 649.14, 649.15, 649.16, 649.17, 649.26, 649.28, 649.31, 649.32, 649.33, 649.48, 649.50, 649.51, 649.57, 649.62  
01/06/11 AMEND: 67.3  
12/28/10 AMEND: Div. 8, Ch. 114, Sec. 59590  
12/21/10 AMEND: 561, 561.1, 561.2, 561.3, 561.4, 561.5, 561.8, 561.9, 561.11 (renumbered to 561.10), 561.12 (renumbered to 561.11), 561.13 (renumbered to 561.12) REPEAL: 561.10, 561.14  
12/20/10 AMEND: 18723  
12/20/10 ADOPT: 18215.2 AMEND: 18215, 18225, 18450.1, 18450.4, 18450.5  
12/16/10 ADOPT: 1859.90.1 AMEND: renumber 1859.90.1 as 1859.90.2 (not shown), 1859.129, 1859.197



11/30/10	AMEND: 67.8 (Appendix A)	12/14/10	AMEND: 850
11/23/10	ADOPT: 1190, 1190.01, 1190.02, 1190.03, 1190.04, 1190.05	12/09/10	AMEND: 6860
11/22/10	AMEND: 1859.2, 1859.83	12/06/10	AMEND: 3906
11/16/10	AMEND: 7286.1	11/30/10	AMEND: 3406
11/15/10	AMEND: 18545, 18703.4, 18730, 18940.2, 18943	11/24/10	ADOPT: 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7, 3701.8 AMEND: 3407
11/15/10	AMEND: 18225	11/24/10	ADOPT: 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7, 3701.8 AMEND: 3407
10/29/10	ADOPT: 1859.90.2 AMEND: Renumber 1859.90.2 to 1859.90.3, 1859.129, 1859.197	11/22/10	AMEND: 3435(c)
10/28/10	AMEND: 59.1	11/18/10	AMEND: 105, 108
10/27/10	ADOPT: 1185.21, 1189 AMEND: 1181, 1181.1, 1181.2, 1181.4, 1183, 1183.01, 1183.02, 1183.03, 1183.06, 1183.07, 1183.08, 1183.081, 1183.09, 1183.11, 1183.12, 1183.131, 1183.14, 1183.2, 1183.21, 1183.30, 1183.31, 1183.32, 1185, 1185.2, 1185.3, 1185.4, 1185.5, 1185.6, 1186, 1187, 1187.2, 1187.3, 1187.9, 1188, 1188.1, 1188.2, 1188.3, 1188.31, 1189.1, 1189.3 REPEAL: 1181.3, 1189.4, 1189.5	11/17/10	AMEND: 3434(b)
10/26/10	ADOPT: 2297.1	11/17/10	AMEND: 3437
10/21/10	ADOPT: 58.8 AMEND: 59.3	11/15/10	REPEAL: 3000, 3001, 3002, 3003, 3004
10/11/10	ADOPT: 599.937.4	11/09/10	AMEND: 3437
10/07/10	AMEND: 51.1	10/27/10	AMEND: 6447, 6447.2, 6784
10/07/10	AMEND: 51.2(u)	10/21/10	AMEND: 3591.5(a)
10/07/10	AMEND: div. 8, ch. 46, sec. 53500	10/18/10	AMEND: 3437(b)
10/05/10	AMEND: div. 8, ch. 79, sec. 56800	10/11/10	AMEND: 3558(a)
10/05/10	ADOPT: 1859.172 AMEND: 1859.162.3, 1859.171	10/11/10	AMEND: 3855
10/04/10	AMEND: 1859.2, 1859.81	10/06/10	ADOPT: 1391, 1391.1, 1391.2, 1391.3, 1391.4 AMEND: 1391 (renumbered to 1391.5), 1391.1 (renumbered to 1391.6)
10/04/10	ADOPT: 642, 643, 644, 645 AMEND: 640, 641	10/01/10	AMEND: 3434(b)
09/27/10	AMEND: 18942, 18944.1	09/27/10	AMEND: 3
<b>Title 3</b>		09/27/10	AMEND: 3437
02/17/11	AMEND: 3437	09/22/10	AMEND: 3591.20(a)
02/15/11	AMEND: 3430	<b>Title 4</b>	
02/15/11	ADOPT: 820.55 AMEND: 820, 820.3, 820.6, 820.7	02/16/11	AMEND: 10152, 10153, 10154, 10155, 10156, 10157, 10158, 10159, 10160, 10161, 10162, 10164
02/10/11	AMEND: 3601	01/24/11	ADOPT: 4140, 4141, 4142, 4143, 4144, 4145, 4146, 4147, 4148, 4149, 4200, 4201, 4202, 4203, 4204, 4205
02/10/11	AMEND: 3434(b), (c)	01/06/11	AMEND: 8070, 8072, 8073, 8074
02/10/11	AMEND: 3423(b)	01/06/11	ADOPT: 5000, 5010, 5020, 5021, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5060, 5061, 5062, 5063, 5064, 5080, 5081, 5082, 5100, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5120, 5130, 5131, 5132, 5140, 5141, 5142, 5143, 5150, 5151, 5152, 5153, 5154, 5155, 5170, 5180, 5181, 5182, 5183, 5190, 5191, 5192, 5193, 5194, 5200, 5210, 5211, 5212, 5220, 5230, 5231, 5232, 5240, 5250, 5260, 5265, 5266, 5267, 5268, 5269, 5270, 5275, 5280, 5281, 5282, 5283, 5290, 5291, 5300, 5310, 5311, 5312, 5313, 5314, 5315, 5320, 5321, 5330, 5340, 5350, 5360, 5370, 5371, 5372,
01/13/11	AMEND: 3425(b), (c)		
01/13/11	AMEND: 3591.20(a)		
01/13/11	AMEND: 3591.15(a), (b)		
01/11/11	AMEND: 1430.142		
01/11/11	AMEND: 3591.20(a)		
12/30/10	AMEND: 3435(b)		
12/29/10	AMEND: 3434(b) and (c)		
12/20/10	ADOPT: 6446, 6446.1 AMEND: 6400, 6452.4, 6624		
12/14/10	AMEND: 3434(b) and (c)		

	5380, 5381, 5382, 5383, 5384, 5400, 5410, 5411, 5420, 5421, 5422, 5423, 5430, 5431, 5432, 5433, 5434, 5435, 5440, 5450, 5460, 5461, 5470, 5480, 5490, 5491, 5492, 5493, 5494, 5500, 5510, 5520, 5530, 5531, 5532, 5533, 5534, 5540, 5550, 5560, 5570, 5571, 5572, 5573, 5580, 5590	12/01/10	ADOPT: 76020, 76140, 76212, 76240 AMEND: 76000, 76120, 76130, 76200, 76210, 76215 REPEAL: 76010, 76240
12/14/10	AMEND: 10322(h)(5), 10325(c)(3)(B), 10325(c)(8)	11/18/10	ADOPT: 70030, 70040, 71135, 71320, 71390, 71395, 71400.5, 71401, 71475, 71480, 71485, 71640, 71650, 71655, 71716, 71750, 71760, 74110, 74115 AMEND: 70000, 70010, 70020, 71100, 71110, 71120, 71130, 71140, 71150, 71160, 71170, 71180, 71190, 71200, 71210, 71220, 71230, 71240, 71250, 71260, 71270, 71280, 71290, 71300, 71310, 71340, 71380, 71400, 71405, 71450, 71455, 71460, 71465, 71470, 71500, 71550, 71600, 71630, 71700, 71705, 71710, 71715, 71720, 71730, 71735, 71740, 71745, 71770, 71810, 71850, 71865, 71920, 71930, 74000, 74002, 74004, 74006, 74120, 74130, 74140, 74150, 74160, 74170, 74190, 74200 REPEAL: 70030, 71000, 71005, 71010, 71020, 71330, 71360, 71410, 71415, 71420, 71490, 71495, 71505, 71510, 71515, 71520, 71555, 71560, 71565, 71605, 71610, 71615, 71650, 71655, 71725, 71775, 71800, 71805, 71830, 71855, 71860, 71870, 71875, 71880, 71885, 71890, 71900, 71905, 71910, 72000, 72005, 72010, 72020, 72101, 72105, 72110, 72120, 72130, 72140, 72150, 72160, 72170, 72180, 72190, 72200, 72210, 72220, 72230, 72240, 72250, 72260, 72270, 72280, 72290, 72300, 72310, 72330, 72340, 72360, 72380, 72400, 72405, 72410, 72415, 72420, 72450, 72455, 72460, 72465, 72470, 72500, 72505, 72515, 72520, 72550, 72555, 72560, 72565, 72570, 72600, 72605, 72610, 72615, 72650, 72655, 72700, 72701, 72705, 72710, 72715, 72720, 72725, 72730, 72735, 72740, 72745, 72770, 72775, 72800, 72805, 72810, 72830, 72850, 72855, 72860, 72865, 72870, 72875, 72880, 72885, 72890, 72900, 72905, 72910, 72915, 72920, 72930, 73000, 73010, 73100, 73110, 73120, 73130, 73140, 73150, 73160, 73165, 73170, 73180, 73190, 73200, 73210, 73220, 73230, 73240, 73260, 73270, 73280, 73290, 73300, 73310, 73320, 73330, 73340, 73350, 73360, 73380, 73390, 73400, 73410, 73420, 73430, 73440,
12/07/10	ADOPT: 12347, 12348 AMEND: 12002, 12345		
11/29/10	AMEND: 1374.2		
11/29/10	AMEND: 8070, 8072, 8073, 8074		
11/04/10	AMEND: 8034, 8035, 8042, 8043		
11/02/10	AMEND: 12480, 12488, 12492, 12494, 12496, 12498, 12499, 12501, 12502, 12504, 12508		
10/26/10	AMEND: 1844		
10/04/10	ADOPT: 10030, 10031, 10032, 10033, 10034, 10035, 10036		
09/29/10	AMEND: 8070, 8072, 8073, 8074		
<b>Title 5</b>			
02/22/11	ADOPT: 42398		
02/22/11	AMEND: 42375		
01/20/11	ADOPT: 30010, 30011, 30012, 30013, 30014, 30015, 30016, 30017, 30018, 30019, 30034, 30035, 30036, 30037, 30038, 30039, 30040, 30041, 30042, 30043, 30044, 30045, 30046 AMEND: 30000, 30001, 30002, 30005, 30020, 30021, 30022, 30023, 30030, 30032, 30033		
01/14/11	ADOPT: 11968.5		
01/10/11	AMEND: 30730, 30731, 30735, 30736		
12/23/10	AMEND: 2, 30, 50, 70, 401, 641, 1021, 1023.1, 1025, 1030, 1633, 3082, 3088.1, 3947, 4417, 4421, 4422, 4424, 5504, 5594, 5601, 5710, 10042, 10070, 10090, 11004, 11005, 11010, 11214, 11234, 11250, 11503, 11508, 11523, 11530, 11531, 11537, 11538, 13000, 13009, 13014, 13025, 13039, 13040, 13043, 13052, 14100, 15106, 15158, 15184, 15375, 15376, 15384, 15405, 15531, 15532, 15534, 15535, 15550, 15551, 16000, 18000, 18009, 18013, 18016, 18025, 18031, 18032, 18056, 18057, 18070, 18071, 18072, 18073, 18242, 18300, 18303, 18305, 18306, 18307, 18308, 18460, 18461, 18533		
12/22/10	AMEND: 80413.3 REPEAL: 80430.2		
12/02/10	ADOPT: 4700, 4701, 4702, 4703		

	73470, 73480, 73500, 73520, 73530, 73540, 73550, 73600, 73610, 73620, 73630, 73640, 73650, 73660, 73670, 73680, 73690, 73700, 73710, 73720, 73730, 73740, 73750, 73760, 73765, 73770, 73780, 73790, 73800, 73820, 73830, 73831, 73832, 73850, 73860, 73870, 73880, 73890, 73900, 73910, 74008, 74010, 74014, 74016, 74018, 74020, 74030, 74040, 74050, 74100, 74180, 74300, 74310, 74320, 75000, 75020, 75030, 75040, 75100, 75110, 75120, 75130		1810.435, 1810.436, 1810.438, 1820.220, 1820.225, 1830.215, 1840.112, 1850.213
10/18/10	AMEND: 80015, 80015.1, 80015.2, 80015.3, 80015.4, 80021, 80021.1, 80024.7, 80024.8	<b>Title 10</b>	
10/18/10	ADOPT: 1216.1	02/10/11	ADOPT: 2593, 2593.1, 2593.2, 2593.3, 2593.4, 2593.5, 2593.6, 2593.7
10/01/10	AMEND: 57020 REPEAL: 50721, 50722, 50723, 50724, 50725, 50727, 50728, 50729, 50730, 50731, 50732	02/02/11	AMEND: 2699.6500, 2699.6700, 2699.6707, 2699.6721
<b>Title 7</b>		01/31/11	ADOPT: 3575, 3576, 3577 AMEND: 3500, 3522, 3523, 3524, 3526, 3527, 3528, 3529, 3530, 3582, 3681, 3702, 3703, 3721, 3724, 3726, 3728, 3731, 3741
02/02/11	AMEND: 215	01/24/11	AMEND: 2222.12
11/23/10	AMEND: 206, 207	12/31/10	ADOPT: 2582, 2582.1, 2582.2, 2582.3
11/09/10	AMEND: 219, 202	12/30/10	AMEND: 2614, 2614.7, 2614.13
10/13/10	AMEND: 212.5	12/29/10	ADOPT: 2188.65, 2695.180, 2695.181, 2695.182, 2695.183 AMEND: 2190.2, 2190.3
10/13/10	AMEND: 212.5	12/29/10	AMEND: 2542.4
<b>Title 8</b>		12/23/10	ADOPT: 1409.1, 1414, 1422.4, 1422.4.1, 1422.5, 1422.6, 1422.6.1, 1422.6.2, 1422.6.3, 1422.7, 1422.7.1, 1422.9, 1422.10, 1422.11, 1422.12, 1424, 1437, 1950.122.1, 1950.122.4, 1950.122.4.1, 1950.122, 1950.122.5, 1950.122.5.1, 1950.122.5.2, 1950.122.5.3, 1950.122.5.4, 1950.122.6, 1950.122.7, 1950.122.8, 1950.122.9, 1950.122.10, 1950.122.11, 1950.122.12, 1950.205.1, 1950.209, 1950.307 AMEND: 1404, 1409, 1411, 1430.5, 1431, 1433, 1436, 1454, 1550, 1552, 1557, 1950.003, 1950.122.2, 1950.123, 1950.204.3, 1950.204.4, 1950.301, 1950.314.8, 1950.316, 1950.317 REPEAL: 1950.122
02/01/11	AMEND: 5291	11/04/10	AMEND: 2689.8(c)
01/20/11	AMEND: 344.6, 344.16, 344.18	10/21/10	AMEND: 2498.6
12/29/10	AMEND: 1709	10/18/10	ADOPT: 3575, 3576, 3577 AMEND: 3500, 3522, 3523, 3524, 3526, 3527, 3528, 3529, 3530, 3582, 3681, 3702, 3703, 3721, 3724, 3726, 3728, 3731, 3741
12/09/10	AMEND: 2813	10/11/10	ADOPT: 2278.50, 2278.51, 2278.52, 2278.53, 2278.54, 2278.55, 2278.56, 2278.57, 2278.58, 2278.59
12/09/10	AMEND: 1742	09/28/10	ADOPT: 1409.1, 1414, 1422.4, 1422.4.1, 1422.5, 1422.6, 1422.6.1, 1422.6.2, 1422.6.3, 1422.7, 1422.7.1, 1422.9, 1422.10, 1422.11, 1422.12, 1424, 1437, 1950.122, 1950.122.2.1, 1950.122.4, 1950.122.4.1, 1950.122.5, 1950.122.5.1, 1950.122.5.2, 1950.122.5.3, 1950.122.5.4, 1950.122.6, 1950.122.7,
12/08/10	AMEND: 344.30		
12/08/10	AMEND: 1648, 1675, 3276, 3277, 3278, 3287, 3413, 3458.1 REPEAL: 1678, 3279, 3280		
11/15/10	AMEND: 9701, 9702		
11/04/10	AMEND: 16423 REPEAL: 16450, 16451, 16452, 16453, 16454, 16455, 16460, 16461, 16462, 16463, 16464		
11/02/10	ADOPT: 5197		
11/02/10	AMEND: 1504, 1637, 3622		
10/27/10	ADOPT: 1600.1 AMEND: 1600, 1601		
10/05/10	AMEND: 3395		
09/27/10	AMEND: 10232.2		
09/23/10	AMEND: 9767.3		
<b>Title 9</b>			
12/06/10	ADOPT: 3200.028, 3200.252, 3630.05, 3630.10, 3630.15 AMEND: 3630, 3650		
10/18/10	ADOPT: 1810.326, 1810.376, 1810.439 AMEND: 1810.317, 1810.321, 1810.323, 1810.345, 1810.350, 1810.360, 1810.365, 1810.375, 1810.380, 1810.425, 1810.430,		

	1950.122.8, 1950.122.9, 1950.122.10, 1950.122.11, 1950.122.12, 1950.205.1, 1950.209, 1950.307 AMEND: 1404, 1409, 1411, 1430.5, 1431, 1433, 1436, 1454, 1550, 1552, 1557, 1950.003, 1950.122.2, 1950.123, 1950.204.3, 1950.204.4, 1950.301, 1950.314.8, 1950.316, 1950.317 REPEAL: 1950.122	10/19/10	AMEND: Title 13: 2025, 2449, 2449.3, 2452, 2453, 2456, 2458, 2460, 2461, 2462 and Title 17: 93116.1, 93116.2, 93116.3
09/23/10	AMEND: 2274.70, 2274.71, 2274.72, 2274.73, 2274.74, 2274.75, 2274.76, 2274.77, 2274.78		
<b>Title 11</b>			
01/31/11	ADOPT: 4075 AMEND: 4047, 4049, 4050, 4051, 4052, 4053, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4070, 4071, 4072, 4073, 4074 REPEAL: 4055		
12/30/10	AMEND: 1005, 1060		
12/29/10	AMEND: 1001, 1004, 1005, 1006, 1007, 1008, 1009, 1052, 1053, 1055, 1056, 1071, 1080, 1081, 1083		
11/02/10	ADOPT: 51.26		
10/07/10	ADOPT: 994.9, 994.10, 994.11, 994.12, 994.13, 994.14, 994.15 AMEND: 994.1, 994.2, 994.4, 994.5, 994.6 REPEAL: 994.9, 994.10, 994.11, 994.12, 994.13, 994.14, 994.15, 994.16		
10/06/10	AMEND: 9040, 9041		
<b>Title 13</b>			
02/22/11	AMEND: 551.14, 555.1, 584		
02/16/11	AMEND: 594, 595, 597 REPEAL: 593		
02/15/11	AMEND: 567, 583, 591, 593.1, 593.3		
02/15/11	AMEND: 272.00, 272.02		
01/27/11	AMEND: 2621(i), 2623		
01/19/11	AMEND: 1961		
01/18/11	ADOPT: 2711 AMEND: 2701, 2702, 2703, 2704, 2705, 2706, 2707		
01/03/11	AMEND: 1239		
12/23/10	AMEND: 423.00		
11/09/10	AMEND: 551.15, 551.17, 556, 558, 561, 586		
11/08/10	AMEND: 1956.8, 1958, 1961, 1976, 1978, 2111, 2122, 2136, 2141 REPEAL: 2166, 2166.1, 2167, 2168, 2169, 2170, 2171, 2172, 2172.1, 2172.2, 2172.3, 2172.4, 2172.5, 2172.6, 2172.7, 2172.8, 2172.9, 2173, 2174		
10/12/10	ADOPT: 1235.7 AMEND: 1200, 1235.1, 1235.2, 1235.4, 1256		
<b>Title 13, 17</b>			
01/20/11	AMEND: Title 13: 2451, 2452, 2453, 2456, 2457, 2458, 2459 and Title 17: 93116.1, 93116.2, 93116.3		
<b>Title 14</b>			
02/17/11	REPEAL: 19020, 19021, 19022, 19023, 19024, 19025		
02/08/11	AMEND: 817.02		
02/07/11	ADOPT: 1052.5 AMEND: 895, 916.9, 936.9, 956.9, 1052, 1052.1, 1052.2		
01/12/11	AMEND: 632		
01/05/11	AMEND: 4970.00, 4970.01, 4970.05, 4970.08, 4970.09, 4970.13		
01/05/11	AMEND: 4970.00, 4970.01, 4970.05, 4970.08, 4970.09, 4970.13		
12/30/10	ADOPT: 1722.8, 1722.8.1, 1722.9, 1773.1, 1773.2, 1773.3, 1773.4, 1773.5, 1774.1, 1774.2, 1777, 1777.1, 1777.2, 1777.3 AMEND: 1722, 1760, 1770, 1773, 1774 REPEAL: 1724.2		
12/03/10	AMEND: 29.80		
11/22/10	AMEND: 1220		
11/19/10	AMEND: 895.1, 914.7, 915.1, 916.9, 923.1, 923.2, 923.5, 934.7, 935.1, 936.9, 943.1, 943.2, 943.5, 954.7, 955.1, 956.9, 963.1, 963.2, 963.5, 1093.2, 1104.1		
11/09/10	AMEND: 163, 164		
10/27/10	AMEND: 18660.40		
10/18/10	AMEND: 13800		
10/11/10	ADOPT: 749.6		
10/07/10	AMEND: 20030, 20040, 20050, 20060, 20070, 20080, 20090, 20100, 20110		
10/05/10	AMEND: 125, 125.1		
10/05/10	ADOPT: 700.3 AMEND: 105, 105.1, 106, 107, 110, 112, 116, 119, 120.2, 120.3, 102.6, 120.7, 122, 123, 124.1, 126, 147, 149.1, 150, 150.02, 150.03, 150.05, 180.3, 180.15, 700.4, 705		
10/05/10	AMEND: 25231		
<b>Title 15</b>			
02/18/11	AMEND: 4710, 4711, 4712, 4713, 4714		
01/14/11	ADOPT: 4190, 4191 REPEAL: 4192.5, 4193, 4196		
12/13/10	ADOPT: 3084.8, 3084.9, 3086 AMEND: 3000, 3084, 3084.1, 3084.2, 3084.3, 3084.4, 3084.5, 3084.6, 3084.7, 3137, 3173.1, 3179, 3193, 3220.4, 3482, 3630, 3723 REPEAL: 3085		
11/22/10	ADOPT: 1747.1, 1749.1, 1750.1 AMEND: 1706, 1747, 1748, 1749, 1750, 1752, 1756, 1757, 1767		
11/16/10	AMEND: 1730, 1778, 1790		



10/14/10	ADOPT: 4168.7, 4171.5 AMEND: 4166, 4168, 4168.5, 4169, 4169.5, 4169.9, 4170.5, 4171, 4173, 4174, 4174.5, 4174.6 REPEAL: 4172	02/02/11	ADOPT: 95350, 95351, 95352, 95353, 95354, 95355, 95356, 95357, 95358, 95359
10/11/10	ADOPT: 3999.10	01/10/11	ADOPT: 100800
09/22/10	ADOPT: 3999.9	01/10/11	AMEND: 100080
<b>Title 16</b>		12/23/10	AMEND: 94508, 94509
02/23/11	AMEND: 400, 401, 404, 463.5, 3000, 3003, 3021, 3065	11/10/10	AMEND: 50300
02/08/11	AMEND: 1518, 1523, 1531, 1532, 1533, 1561	11/09/10	AMEND: 30253, 30255, 30256
02/02/11	ADOPT: 1381.7, 1381.8, 1381.9	10/20/10	ADOPT: 95380, 95381, 95382, 95383, 95384, 95385, 95386, 95387, 95388, 95389, 95390, 95391, 95392, 95393, 95394, 95395, 95396, 95397, 95398
02/01/11	ADOPT: 87.9, 88.2, 90	10/13/10	AMEND: 30100, 30195 REPEAL: 30321, 30321.1, 30322
01/31/11	AMEND: 2000, 2010, 2010.1, 2015, 2015.2, 2020, 2023, 2024 REPEAL: 2014.5, 2017, 2018	<b>Title 18</b>	
01/27/11	AMEND: 3394.3, 3394.4, 3394.5, 3394.6, 3394.7	01/31/11	AMEND: 1506
01/11/11	ADOPT: 3394.7 AMEND: 3394.1, 3394.4, 3394.5, 3394.6	01/12/11	AMEND: 1584
12/21/10	ADOPT: 38, 47, 48.4 AMEND: 48.6	01/10/11	AMEND: 1533.1
12/20/10	AMEND: 1520	10/18/10	AMEND: 1020 REPEAL: 471
12/20/10	ADOPT: 1399.557	<b>Title 19</b>	
12/20/10	ADOPT: 39, 40, 41, 42, 43, 44, 45, 46, 48, 48.1, 48.2, 48.3, 48.5, 48.6	02/18/11	ADOPT: 2991, 2992, 2993, 2994, 2995, 2996, 2997, 2998, 2999, 2999.1, 2999.2, 2999.3, 2999.4, 2999.5 AMEND: 2900
12/15/10	ADOPT: 321.1	01/12/11	ADOPT: 3.00 AMEND: 1.05, 1.07, 1.08, 1.09, 1.11, 1.12, 1.13, 2.02, 3.00 (renumbered to 3.00.1), 3.01, 3.02, 3.03, 3.04, 3.06, 3.07, 3.08, 3.11, 3.12, 3.13, 3.15, 3.16, 3.17, 3.18, 3.19, 3.20, 3.22, 3.23, 3.25, 3.26, 3.28, 3.29, 3.31, 3.32, 4.3, 4.5, 204, 303, 315, 324, 325, 332, 340, 341, 571, 743, 745, 746, 747, 748, 749, 750, 753, 754, 755, 756, 760, 904, 904.7, 1173, 1174, 2060 REPEAL: 752
12/14/10	AMEND: 1018	<b>Title 21</b>	
12/09/10	ADOPT: 1571	01/25/11	AMEND: 6680
11/24/10	AMEND: 1417	09/30/10	AMEND: 7000
11/23/10	AMEND: 144	<b>Title 22</b>	
11/18/10	AMEND: 811	02/15/11	ADOPT: 4451 AMEND: 4400, 4401.5, 4405, 4417, 4427, 4429, 4447
11/17/10	ADOPT: 1707.5	01/10/11	AMEND: 51510, 51510.1, 51510.2, 51510.3, 51511, 51511.5, 51511.6, 51535, 51535.1, 51544, 54501
11/08/10	AMEND: 1974, 1996.1	01/10/11	ADOPT: 52000, 52100, 52101, 52102, 52104, 52500, 52501, 52502, 52503, 52504, 52505, 52506, 52507, 52508, 52509, 52510, 52511, 52512, 52513, 52514, 52515, 52516, 52600 REPEAL: 52103
10/18/10	AMEND: 3394.3, 3394.4, 3394.6	12/22/10	REPEAL: 65700, 65700.2, 65700.6, 65700.8, 65700.10, 65700.12, 65710, 65715, 65720, 65725, 65730, 65735, 65740, 65745, 65750, 65755
10/12/10	AMEND: 1399.501, 1399.511, 1399.520, 1399.525, 1399.526, 1399.527, 1399.545, 1399.550, 1399.556, 1399.573, 1399.612 REPEAL: 1399.508		
09/30/10	AMEND: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216, 4218, 4220, 4226, 4228, 4230, 4234, 4236, 4240, 4242, 4244, 4246, 4248, 4250, 4252, 4254, 4258, 4264		
09/29/10	AMEND: 109(b)(2), 109(b)(7), 117(e)(2), 121(a)(2)		
09/23/10	AMEND: 1391.1		
09/23/10	ADOPT: 1399.419.1, 1399.419.2		
09/22/10	ADOPT: 39, 40, 41, 42, 43, 44, 45, 46, 48, 48.1, 48.2, 48.3, 48.5, 48.6		
<b>Title 17</b>			
02/17/11	AMEND: 52170, 52172, 52173		

12/21/10	ADOPT: 64417, 64418, 64418.1, 64418.2, 64418.3, 64418.4, 64418.5, 64418.6, 64418.7	<b>Title 25</b>	02/18/11	ADOPT: 1013, 1052, 1119, 1757, 1759, 2013, 2052, 2119, 2757, 2759 AMEND: 1002, 1008, 1018, 1104, 1118, 1180, 1211, 1333, 1334, 1334.2, 1336.1, 1346, 1377, 1426, 1429, 1432, 1446, 1450, 1458, 1464, 1468, 1474, 1498, 1500, 1502, 1504, 1506, 1612, 1618, 1750, 1752, 1754, 1756, 1758, 2002, 2008, 2018, 2104, 2118, 2211, 2230, 2334, 2346, 2426, 2429, 2432, 2468, 2474, 2498, 2500, 2502, 2504, 2506, 2612, 2750, 2752, 2754, 2756, 2758 REPEAL: 1613, 1615, 1616, 2613, 2615, 2616
12/15/10	AMEND: 100105			
11/10/10	AMEND: 51516.1			
10/26/10	AMEND: 97234, 97264, 97267			
10/06/10	AMEND: 100080			
10/06/10	AMEND: 100080			
<b>Title 22, MPP</b>				
10/11/10	AMEND: 88030			
<b>Title 23</b>				
01/19/11	ADOPT: 3775.5, 3776, 3779.5 AMEND: 3720, 3721, 3722, 3723, 3730, 3733, 3740, 3741, 3742, 3750, 3751, 3762, 3763, 3775, 3777, 3778, 3779, 3780, 3781 (Appendices A and C) REPEAL: 3760, 3761, 3764, 3776, 3782		02/10/11	ADOPT: 4313 AMEND: 4300, 4302, 4304, 4306, 4308, 4310, 4312, 4314, 4316, 4318, 4320, 4322, 4324
01/18/11	ADOPT: 5000		01/28/11	AMEND: 3070, 4204, 4210, 4212
01/03/11	ADOPT: 3919.9		01/26/11	ADOPT: 7980, 7980.1, 7980.2, 7980.3
12/23/10	ADOPT: 3939.37		<b>Title 27</b>	
12/20/10	ADOPT: 907, 910, 915, 920, 921, 925, 929, 930		02/16/11	AMEND: 27001
12/17/10	ADOPT: 596, 596.1, 596.2, 596.3, 596.4, 596.5		01/26/11	AMEND: 25705
12/15/10	AMEND: 3943		01/26/11	AMEND: 25705
12/07/10	ADOPT: 3909 AMEND: 3900		12/16/10	AMEND: 25805
11/18/10	AMEND: 2200, 2200.3, 2200.4, 2200.6		11/18/10	AMEND: 25805
11/17/10	AMEND: 1062, 1064, 1066, 3833.1		<b>Title MPP</b>	
11/4/20	ADOPT: 3929.5		02/15/11	AMEND: 16-015, 16-120, 16-601 REPEAL: 16-315
09/27/10	ADOPT: 2922		01/31/11	AMEND: 31-021
09/22/10	ADOPT: 2921		12/22/10	AMEND: 42-302, 42-712, 42-713